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RETURN:

C E Y L O N.

*Ordered, by The House of Commons, to be Printed,
1 July 1852.*

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C E Y L O N.

RETURN to an Address of the Honourable The House of Commons,
dated 26 March 1852;—for,

A “COPY of REPORT of FINANCE COMMITTEE of the EXECUTIVE COUNCIL
of *Ceylon*, transmitted to the Secretary of State in the Year 1850; together
with EXTRACTS from DESPATCHES relating thereto.”

Colonial Office, Downing-street, }
29 June 1852. }

DESART.

(*Lord Hotham.*)

Ordered, by The House of Commons, to be Printed,
1 July 1852.

REPORT OF THE COMMITTEE OF THE EXECUTIVE COUNCIL ON THE
FIXED ESTABLISHMENTS OF THE ISLAND OF CEYLON - - p. 3

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REPORT of the COMMITTEE of the EXECUTIVE COUNCIL on the FIXED
ESTABLISHMENTS of the Island of *Ceylon*.

CEYLON.

No. 1.

— No. 1. —

(No. 192.)

COPY of a DESPATCH from Viscount *Torrington* to Earl *Grey*.

Queen's House, Colombo, 14 December 1849.

My Lord,

(Received, 26 January 1850.)

REFERENCE has on more than one occasion been made to the probable results to be anticipated from the labours of the Committee of the Executive Council, which I had appointed to report to me upon the fixed establishments of the colony, with a view to their reduction so far as the absolute necessities of the public service would permit, in conformity with the instructions conveyed to me in your Lordship's despatch, No. 252, of the 17th July 1848.

The gentlemen who were nominated to that Committee, were Sir James Emerson Tennent, Mr. J. F. Templer, and Mr. C. J. McCarthy.

I have only within the last few days received their Report, which is sufficiently voluminous, and demands a much closer scrutiny than it has yet been in my power to give it before I shall be able, with any degree of confidence, to express any opinion upon its contents, or upon the recommendations it conveys.

I feel that upon a subject so vast and so comprehensive, the most cautious deliberation is requisite, and that even to master the details, still more to measure the bearings, and estimate the probable effects of extensive changes, such as are proposed in the Report, much time and no inconsiderable amount of labour are requisite.

For these reasons it is obviously out of my power to accompany the Report at present with the observations which it will be my duty to offer upon it. Before the departure of the next mail, I hope to be prepared to offer a matured exposition of my own views upon the many important questions raised in the Report.

I have only at present to remark that as far as my means of judging extend, I am not prepared to concur in all of the recommendations of the Report, some portions of which appear to me to be open to serious objection. Nevertheless I am unwilling to delay the transmission of this interesting document, and I would beg to draw your Lordship's attention particularly to the very elegant maps prepared by the surveyor-general, by which it is accompanied.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) *Torrington*.

Enclosure, No. 1.

My Lord,

Colombo, 13 December 1849.

Enclosure, No. 1.

IN obedience to the instructions of the Right honourable the Secretary of State for the Colonies, in his despatch of the 17th of July 1848, communicated to us by your Excellency, we have formed ourselves into a committee of the Executive Council, for the thorough revision and re-constitution of the public establishments of this island, with a view, first, to general reduction of expenditure; and also, secondly, to such reforms as the administrative system at present existing appeared to us to require.

We begin by laying down these two great objects of our inquiry in the order in which they

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they have just been enumerated, because, though doubtless the reduction of expenditure was the point which the Secretary of State had mainly before him in issuing these important instructions, we conceive that we are not only acting in the spirit of his despatch in carrying our researches further than the mere reduction of expense would seem at first sight to require, but that we could not efficiently deal with the question of expenditure alone without undertaking such a minute and comprehensive review of the various establishments of the island as might afford to us the means of tendering our advice to your Excellency on every essential point connected with their constitution and working.

To enable us to undertake so serious and so responsible a duty, we have neglected no means of information that lay within our reach. We have sat daily for some months at Colombo, with such occasional intermissions as the exigencies of the public service and our own respective duties in it imposed, and have endeavoured during that time to collect such a mass of evidence from all quarters whence information and enlightenment could be derived, as would put us in a position to decide at least without fear of having overlooked any part of the subject matter for decision, or any apprehension of failure in the result other than may reasonably be inspired by a sense of our own inability to grapple competently with a subject at once so comprehensive and so detailed. We have gone carefully through the whole of the civil and judicial establishment of the island, examining in detail the various heads of departments, and other public officers whose position and experience were such as to give weight to their opinions; and though not directly called on by the Secretary of State to institute a like inquiry into the military establishments also, we have nevertheless thought it part of our duty to collect information on such branches of the military expenditure as press on the colonial finances, and are prepared respectfully to tender our advice to your Excellency on this head, in case you should deem it advisable to submit these recommendations also for the consideration of the Secretary of State. The subject of colonial military expenditure is indeed so intimately connected with the general matter of our researches, that we could not well have omitted to touch on it in carrying out and completing our task.

In prosecuting these inquiries we have likewise availed ourselves of the opinion and advice of several gentlemen not in the public service, who have kindly consented to assist us, and whose opinions were entitled to consideration and respect, especially of some of the most intelligent and respectable merchants of Colombo, either speaking in their own name, or delegated by the Chamber of Commerce of this town; and of the late Colonial Secretary, Mr. Anstruther, whose long residence in the island, as well as his present position as a large landed proprietor, seemed to qualify him peculiarly as a witness.

Having completed these inquiries at the seat of government, and endeavoured to collect that information which can only be attained at head-quarters, we proceeded on a tour of inspection round the island, in the course of which we visited nearly every station of any branch of the public service, examined the details of business in each, and gathered such statistical returns as were necessary for the fulfilment of our task.

We have now returned to Colombo, and having arranged our materials, and decided on our plans of proceeding, it remains for us only to submit to your Excellency, in detail, the conclusions at which we have arrived.

It would be difficult, not to say impossible, to estimate rightly the present, or to give prudent counsel for the future, without some retrospect to the past.

The establishments of Ceylon, ever since it has been under British rule, have been divided into two great branches—the civil or revenue, and the judicial establishments.

1. As regards the first, or revenue branch, it will be sufficient here, without entering into minute details, to remind your Excellency that shortly after the assumption of the administration of the island by the Crown, and the arrival of the first British Governor, an establishment of regular civil servants was organized, which, with many alterations as to detail, has continued in substance to exist up to the present day. This civil service, fashioned in a great measure after the pattern of the Company's service in India, consisted of a certain number of gentlemen, trained, or supposed to be trained, for its peculiar requirements and duties, entering it when young as writers, and rising gradually by rotation, more or less exactly observed, to the highest and most lucrative employments in the island. Contemporaneously with the constitution of this civil service a civil pension fund was also established, according to which a given number of years of service entitled to a given pension for life. This system, though not without its defects, among which may be specially noted the extreme subdivision and consequent expensiveness of the various branches of the public service, appears to have worked well at first. It insured, at least, one great quality requisite to Eastern administration,—experience; and though the conditions of previous education, so rigorously exacted by the East India Company, seem not to have been enforced with the like stringency in Ceylon, yet, on the whole, the civil service appears to have been distinguished by a very fair average of men of ability and merit, and to have produced some men much above the average. We may quote as examples the names of Bertolacci and of Turnour.

In process of time, however, it was found, or assumed, that this was too narrow and limited a system for the exigencies of the public service, and various modifications took place. In consequence of the recommendations of the Commissioners of Inquiry in 1832, and their sanction by Lord Ripon, then Secretary of State for the Colonies, the civil service was thrown open to all classes of British subjects, whether European or native, the appointment of writers was discontinued, and the practice of granting retiring pensions done away with.

In 1837 the system was again modified, and a return took place to the principles of the former civil service, under instructions from Lord Glenelg, then Secretary of State.

In 1844 a further change took place by order of Lord Stanley; the civil service was once more re-constituted, on a larger scale than ever. Many officers were included in it whose special functions had not hitherto been considered such as to warrant their admission; the system of appointing writers was again reverted to; and the practice of granting pensions on retirement was revived, this time, however, not in the shape of a separate pension fund, but as a permanent burden on the resources of the colony, very inadequately provided for by the payment of a per-centage from salaries. The chief assigned motive for this last change in the constitution of the civil service in 1844-5, appears to have been an opinion of the necessity of widening "the field from which candidates for promotion might be selected."

2. The judicial branch of the service, though substantially resembling that originally established on the British occupation of the island, has partaken of as many vicissitudes as the revenue branch.

Previously to the Report of the Commissioners of Inquiry in 1832, there were in the maritime provinces 27 Courts, viz., 7 Provincial Judges and 20 Sitting Magistrates; and in the Kandyan provinces, 1 Judicial Commissioner, 1 Sitting Magistrate, 1 Judicial Agent, and 10 Agents of Government. All these functionaries were also members of the civil service, and therefore entitled to the same conditions of service, pension, &c., as we have already enumerated in treating of the revenue branch. They were not expected to qualify themselves for the discharge of their duties by any peculiar legal education, and promotion in the service was made indiscriminately from one branch to the other. There were also four minor Courts of Appeal, constituted of the same elements as the courts of original jurisdiction, and composed of members of the higher classes of the civil service. And there was a Supreme Court consisting of two judges sent from the English bar, with large salaries and large retiring pensions. This Supreme Court, however, extended its jurisdiction only to the town and district of Colombo, which jurisdiction was a civil, equitable, and testamentary one, and a jurisdiction over infants and lunatics. But all these jurisdictions extended to Europeans over the whole of the maritime provinces. These two judges of the Supreme Court further composed, in conjunction with the Governor, the Chief Secretary, and the Commissioner of Revenue, a High Court of Appeal.

This state of things was radically altered by the charter of 1833, which was based on the very able report of Mr. Cameron, one of the Commissioners of Inquiry. By that charter of justice one uniform system of judicial establishments and procedure was created throughout the island. Courts of original jurisdiction, styled district courts, were founded at every station at which they appeared to be required, having jurisdiction in civil cases to any amount, and a certain defined jurisdiction in criminal cases. The Supreme Court was re-constituted, and made to consist of one chief justice and two puisne judges, all selected from the English bar. This court was endowed with no original civil jurisdiction, but with original criminal jurisdiction, and with the sole appellate jurisdiction from the district courts in civil cases. The judges of those district courts were, as before, members of the ordinary civil service, and on the same footing as regards promotion, pension, &c., as the other members of the civil service.

There can be but one opinion as to the comparative merits of this change in the judicial system of the island. Many, however, as are its merits, and great as was the improvement effected by it on the system which it supplanted, we are not prepared to hold it up as quite faultless. We shall indeed, as will be seen in a subsequent portion of this Report, feel it incumbent on us to recommend some considerable modifications of it. The only change of note that has taken place in the judicial system since its adoption has, however, been one of which the expediency has sometimes been doubted; we allude to the abolition of several of the district courts in 1844, and the substitution in their room of police magistrates' courts and courts of requests. This point will be treated more fully hereafter. In the foregoing brief recapitulation of the changes that have taken place in the constitution of the public service in this island since its commencement under British rule, we have only endeavoured to present in a small compass the main features of its present form and shape, that our recommendations for its further alteration and improvements may be the more readily appreciated and understood.

One paramount consideration presses itself on our attention at the very outset of our inquiry into the establishments of such an island as Ceylon. One question rises foremost, and till we dispose of that it will be useless, we conceive, to try to see our way through the many difficulties of the subject. When it is disposed of we may proceed more freely.

The question is simply, What is this island of Ceylon? Is it a colony or a dependency? Are we to legislate and regulate for Colombo as we regulate for Calcutta, or as we regulate for Toronto? Are we to have a paternal Government or a representative Government? These are questions not altogether easy of solution, and to the want of appreciation of them we are disposed to trace many of the errors that have of late years signalized our attempts at legislation in this island. To the confusion of ideas on this subject we must also attribute the crude and indigested projects or suggestions of retrenchments and reform which have echoed over to us from the mother-country, and which, inapplicable as they are to an Indian possession, are yet so apt to dabble and mislead even tolerably well-informed men in England. It would hardly seem credible, if we had not direct evidence

CEYLON.

of the fact, that a course of systematic agitation in this island has been seriously advised in England for the purpose of extorting a constitution like that of Canada. In the imagination of such advisers probably Ceylon was only a colony, just as Van Diemen's Land is a colony, as Newfoundland is a colony, as Canada is a colony. Why should it not be governed like other colonies? What need, then, of a civil service—of elaborate rules—of wearisome and useless training—of school commissions, and medical establishments—of all the minute provisions for minute wants which swell the budget of an Indian dependency? Cannot and does not every Englishman govern himself? does he not teach, rule, physic, cure, or kill himself, not only without regulations, but in spite of regulations? The only cheap form of government is self-government, why not govern Ceylon like Canada? Now the simple answer to this question is, that no two places in the world can be wider asunder, and more radically different in every respect than these two. It would be as eminently disastrous to attempt to govern Ceylon and Canada on the same principles as it would be to attempt to direct a ship in its course at sea by the same incentives to locomotion which drive a carriage and pair of horses by land. And we do not hesitate to record our opinion that the measures of legislation and government in this island, which have been proved by experience to be the most dangerously wrong, have all emanated from this one radical mistake of considering Ceylon as a colony, and not as what it is, an Indian dependency of the Crown.

The truth is, that here too "property has its duties as well as its rights," and if we take possession of a country like this for purposes, however justifiable, of our own, we must remember that we hold our power in trust, not for ourselves only, but for those whom we govern. In this island we have a population of nearly a million and a half of uneducated Asiatics to govern, in whose estimation government is something far different from what we understand by the word. Our establishments must be proportionate to their wants, not to our ideas. At the same time we are far from shutting our eyes to the fact, that of late years there has been a certain influx of European population, European industry and capital, into this inert mass of Eastern apathy and helplessness. Such new element, if strong enough and persuasive enough, might vivify and in time even change the whole country, and on it we might at least lay the foundation of some freer and more progressive institutions than are fitted for Asiatics alone. But it must be remembered that this European immigration, partial as it has been, and circumscribed within the limits of our province, was founded, as we now see, on over excitement and over speculation; that its results, economically speaking, have not been successful, and that the most sanguine can hardly venture to hope for anything like a realization of the dreams of its first representatives.

We adhere, then, strongly to the principle that the island of Ceylon is essentially an Asiatic dependency of the Imperial Crown of Great Britain, that its judicial and administrative machinery must be framed more on an Indian than on an English model, and that the great aim and object of all our establishments should be the prompt, universal, and impartial administration of justice to the natives throughout the island, and the fair distribution of those burdens of taxation which the exigencies of the Government require to enable it worthily to exercise its functions and discharge its duties to the people.

Bearing this principle in mind, we shall proceed to submit to your Excellency our recommendations, beginning with the civil branch, and treating first of

THE GOVERNOR AND COUNCIL.

The Governor and Council.

In commencing the work of necessary retrenchments of expenditure, it might naturally be expected that we should begin our reductions with the highest public functionary in the island, the Governor.

The propriety, however, of proposing a reduction of pay in this instance depends entirely, we conceive, on the place which the Governor is to occupy in the future administration of the island, and the source whence his emoluments are to be derived. Hitherto the Governor has generally taken so much of the whole power and business of the Government on himself individually, as to be in fact almost a despotic potentate. We believe that till a very late period it was seldom the practice to convene the Executive Council at any stated periods, and when they were assembled it was frequently not the most important public business that was brought before them. The consequence of this was that either the Governor was a mere cypher in the hands of the Colonial Secretary, or else so large and formidable a unit, that the Colonial Secretary and the other members of the Council sank into infinitesimal smallness by his side. This state of things, we think, should be changed altogether, and the practical machinery of the Government assimilated in some degree to the Indian model, so as to render it incumbent on the Governor in all matters of importance to take the opinion of his Council, to make the members of it cognizant of all the leading acts of his policy, and to lay before them all despatches to and from the Secretary of State, except those marked "confidential."

The Executive Council at present consists of five members besides the Governor, viz., the General commanding the Forces, the Colonial Secretary, the Queen's Advocate, the Treasurer, and the Auditor-general. We see no reason to propose any change in the constitution of this Council. We would merely advise as already stated, that it should be made formally and thoroughly a responsible and a working body, with strictly defined powers and duties. We would even leave the Governor the power which he at present enjoys of acting on his own responsibility even in opposition to the opinions of the

majority

majority of his Council, provided always, that those opinions be, in all cases, called for and recorded, and that in the event of such dissentience between the Governor and the majority of his advisers, the Governor be held bound to forward forthwith to the Secretary of State the protest of any such majority, whenever he thinks proper, on his own responsibility, to act in opposition to it.

The present salary of the Governor is 7,000*l.* a year. He is allowed a Private Secretary with 500*l.* a year, an Aide-de-Camp who receives the usual allowances of his rank, amounting to 256*l.* 3*s.* 6*d.* per annum, and an establishment of messengers, &c., consisting of one Aratchy, one Cangany, two Lascoreens, and six messengers, the annual cost of which is 138*l.* 4*s.* The Governor receives no other direct emolument or fees, but is entitled to travelling expenses actually incurred, and is furnished with a house both at his principal residence Colombo, and at the other principal towns in the island. He is also furnished gratuitously with oil for lighting the Queen's House both at Colombo and at Kandy, and the gardens of those two houses are kept up at the public expense. There is also a small annual charge for an exhibition of fireworks on the Queen's birthday.

We are not prepared to recommend any reduction in the present emoluments of the Governor; his salary, already considerably lower than that of his predecessors, is not more than sufficient to enable him to live up to the level of his position, and to preserve that decent dignity and exercise that liberal hospitality which is naturally expected from the representative of the Queen of Great Britain, in a distant, expensive, Asiatic dependency. We even attach to the decorous performance of this representation of royalty an importance which, to an European eye, might appear exaggerated. We hold, that to govern fitly an Eastern population, a certain degree of outward dignity and state is as requisite as many other conditions that might seem much more important.

At the same time we concur with the noble Lord now Secretary of State for the Colonies, that the Governor's salary should not be paid out of colonial funds. We think the representative of British royalty should be paid out of British funds. The independence of the Governor's position would be materially heightened by such arrangement, and it would be but a very slight burden on the resources of the mother-country, or, to speak more correctly, of the Sovereign State.

This view of the Governor's vice-regal position implies the necessity of an able Colonial Secretary under him, who shall stand much in the same position towards him as a minister in England towards the real Sovereign; and we think this by far the best arrangement in every way, and the one most adapted to local wants and habits.

If, however, this proposal should not be adopted at home, and there should be a decided refusal to pay the Governor out of Imperial funds, it has been suggested by different persons, and especially by Mr. Anstruther, late Colonial Secretary, that "there is not room in the island for a Governor and Colonial Secretary too." In other words, that if the island is to continue to pay the Governor, that functionary should be placed in quite another position from that which he now occupies, and the continuance of which we recommend as abstractedly the best arrangement. As a colonial functionary we certainly do not think it right or equitable that the charges of mere vice-royalty, of mere representation and state, should fall on the colonial revenues; and it might be matter for consideration, whether the office of Governor might not be in that case placed on the same footing as the other appointments of the civil service, that it be open to members of that service according to seniority and merit, and that the salary be reduced to 4,000*l.* a year, a sum sufficient to support a gentleman at the head of the service who has worked his way up to the Government, though inadequate to meet the expenses of a man of rank and standing from England, who has not only to play the part of Viceroy, but has to incur large expenses on a sudden, and for a time, comparatively short. It would follow, as a matter of course, that such a Governor would be entitled to similar advantages as regards retiring pension as are enjoyed by other members of the civil service, a consideration which would perhaps outweigh the comparative smallness of salary. We think, however, that there are very serious objections to this scheme. We think that, not only as a matter of representation, but as a matter of real business, it would be highly undesirable to select a Governor from among the resident civil servants, always imbued more or less with local prejudices and partialities, and therefore not likely to exercise such high functions as those of a representative of Majesty in a fitting and unexceptionable manner. And in an Indian dependency especially we are of opinion that a Governor should, as on the continent of India, be sent out from England a stranger to all previous prejudices and local entanglements, provided always he be a man of ability and merit, and such men are not to be procured without an adequate emolument.

In either view of the Governor's position, we think that no reduction could well be made in the personal staff of his present establishment. A private secretary we consider indispensably necessary to a Governor in his present position, to relieve him from much labour of routine, which would otherwise leave him too little time for the details of representation, granting interviews, &c. In the other and less desirable contingency of a merely colonial functionary as Governor, a modification might be effected in the present office of Colonial Secretary, throwing that officer somewhat lower down in the service, and imposing much of his present work on the Governor personally; but in either case we consider a private secretary equally necessary. The salary is not greater than is required to secure an able man in a tropical climate, especially as the appointment is but a temporary one, and every Governor must of course appoint his own private secretary. The necessity for an aide-de-camp and the establishment of messengers is equally obvious, and we find nothing here to cut down.

CEYLON.

The present system of defraying travelling expenses of the Governor we hold to be decidedly objectionable. It is not always possible to ascertain what expenses have been actually incurred, and we think it neither convenient nor becoming that the Governor should be obliged to send in receipts from every Cooly employed to carry his baggage, and every rest-house at which he may stop for refreshment. We therefore recommend, that in lieu of the present arrangement an allowance of 5 *l.* per day be made to the Governor when actually engaged in travelling on public duty, provided always that such allowance be not paid for any days of residence at the Pavilion at Kandy, and that the total sum which may be drawn by any one Governor in any one year do not exceed 500 *l.*

We do not recommend any change in the present arrangements for keeping up the gardens at the Government houses in Kandy and Colombo, but we think that the Government agents of this and the Central Province, under whom this expenditure takes place, should be instructed to confine it within as narrow limits as the necessary up-keep of the gardens will permit.

The annual charge for fireworks on the Queen's birthday, amounting to 8 *l.* 3*s.* 11 $\frac{1}{4}$ *d.*, we see no cause to interfere with.

We submit that there is no sufficient reason why the oil consumed in the Queen's House should be paid for by the public any more than any other article of household use or consumption. The cost of this item alone in the year 1847 amounted to 240 *l.* 18*s.* 4*d.* We recommend that this allowance be discontinued to any future Governor.

The Colonial Secretary.

THE COLONIAL SECRETARY.

Our recommendations as to the future constitution of the office of Colonial Secretary are of course essentially dependent on the adoption or rejection of the proposal of paying the Governor out of the Imperial revenue, and retaining that office on its present footing. If this course be adopted, and, as we have already stated, we consider it to be the right course, we would leave the Colonial Secretaryship as it now stands. The emoluments of the present holder of that office are a salary of 2,500 *l.* a year, and an allowance in lieu of fees of 300 *l.* a year more. This salary will be reduced to 2,000 *l.* a year when given up by the present holder, and a further saving will be effected to the public of the annual allowance of 300 *l.* a year in the case of all future holders of that office.

But in the event of a Governor being appointed from the civil service who shall himself superintend personally the whole administrative business of the island, we see no reason for retaining a mere duplicate Governor in the shape of a Colonial Secretary. We should then recommend that the Colonial Secretary be not a member of the Government, *i. e.*, of the Executive Council, but should be rather on the footing of the secretaries to Government in the Indian Presidencies, or of about the first assistant colonial secretary at present. He might also, as is the case in some of the West Indian colonies, be clerk to the Councils, as his assistant is at present. In this case we should fix his salary at the amount now drawn by the assistant, *viz.*, 1,000 *l.* a year. The business of Government would then be transacted by the Governor in Council, and would then pass on to the Colonial Secretary's Office, where the details would be carried out, and instructions framed and forwarded to the several departments of the service.

At present there are two assistants to the Colonial Secretary, one drawing 1,000 *l.* a year, the other 355 *l.*, with an annual augmentation up to 400 *l.*

Annual augmentations.

ANNUAL AUGMENTATIONS.

The case of the second assistant to the Colonial Secretary offers the first instance that has presented itself in our inquiries of the application of the principle of annual augmentations. We strongly advise the discontinuance of this system altogether. We consider it erroneous in principle, inasmuch as it keeps up in the annual expenditure of the colony an element of fluctuation, a thing to be avoided as far as possible. We think it paltry in its working, inasmuch as it bestows a very trifling boon each year to the aspirant in the public service; and we think it, lastly, detrimental in its effects, inasmuch as it tends to weaken emulation, and deaden the desire for promotion to a higher office. As a matter of account also it is an occasion of much confusion and inconvenience. We therefore recommend its being done away with, and the salary of each officer permanently fixed.

In the particular case which gives rise to these observations, we recommend that the first assistant to the Colonial Secretary should receive, as at present, a salary of 1,000 *l.* a year, and the second a fixed salary of 400 *l.* a year, without augmentation.

Clerks.

CLERKS.

There are at present in the office of the Colonial Secretary a chief clerk and 17 other clerks, of whom, however, three are extra clerks.

Before offering any special recommendation as to the clerks in this particular office, we think it expedient to state briefly our views as to what ought to be the guiding principles in the regulation of the service of clerks in all the public establishments of the island.

The two great evils which at present exist in this branch of the service are, first, the undue numbers and consequent expensiveness of the clerks in the public offices; and, secondly, the want of a really efficient control over their subordinates on the part of heads of

of departments. The remedy, we conceive, is simple and easy, and applicable to both evils. Instead of cumbering our establishments with a load of indolent and often useless individuals, we recommend that in future an extreme minimum be fixed upon in every office, which alone shall compose the fixed establishment of the department; and that every head of department shall send in an estimate yearly of such amount of extra clerks as he may consider absolutely necessary. That the Governor and Council shall then sanction such estimate after due examination, and for that year only, such extra clerks being borne on the Schedules as "provisional and temporary." We recommend further that every head of department be held strictly responsible for the conduct of the said clerks, and their due discharge of their duties entrusted to them; and that, to enable him to exercise this responsibility, he be invested with full powers to dismiss the said clerks, or impose on them such pecuniary fines as the Governor and Council may agree in fixing for any overt negligences or derelictions of duty. We further advise that the recommendations of heads of departments be, as a general rule, attended to in the nomination of those clerks; and though we counsel this stringency of control, especially in the case of the proposed extra clerks, we are far from wishing to imply that there should be any relaxation of supervision on the part of heads of departments as regards the fixed clerks also. On the contrary, we consider that the strictest superintendence should be exercised over the whole of each establishment by the public officer at its head, and we advise that the principle of promotion by seniority alone shall in no case be admitted, and that the industry, ability, and general good conduct of each clerk be the chief points looked to in all cases of advancement. There are so many deserving public servants in this branch of the service, that we feel sure they will hail as an improvement and a personal benefit the introduction of such stringency of regulation as we now advocate, as being the only system under which merit can work its way to fit recognition and promotion. An evil which we feel ourselves called upon to notice here is the appearance of distrust in the judgment and discretion of superior officers that has been manifested by Government in the extreme limitation of their powers in noticing inefficiency and misconduct on the part of clerks, a course which has paralyzed their real power of influencing the conduct of their subordinates to an extent that has been attended with most prejudicial effects to the interests of the public service. We think it of the greatest importance that appeals to Government, *as of course*, against every act of punishment or censure on the part of the superior officer should be discouraged; and we would suggest that rules be laid down for regulating the manner in which such appeals should be made, containing provision for a final decision in each case, whether the appeal be in itself censurable or not, and for punishments in case of improper appeals.

With respect to the subject immediately under our consideration, we recommend that in the three principal departments in Colombo (the Colonial Secretary's Office, the Treasury, and the Audit Office) there be a fixed establishment of not more than 12 clerks, one with a salary of 200 *l.* a year (the head clerk), one at 150 *l.*, two at 120 *l.*, two at 100 *l.*, two at 80 *l.*, and four at 50 *l.* a year, without augmentations, the extra clerks, if required, being estimated for annually in the manner prescribed above. As we shall have to propose, before concluding this Report, certain modifications in the present system of keeping and rendering the public accounts, and other matters of official detail, the effect of which, we believe, will be a reduction in the amount of actual business to be done, we are in hopes that a small additional number of extra clerks will be sufficient to carry on the work of most of these departments as efficiently as under the present system. We have only to add that, in carrying out these alterations, the recipients of higher salaries than those we now propose should, as a general rule, be allowed to keep them as long as things remain in the service, their successors only being put on the reduced scale.

Connected with the Colonial Secretary's department, and under the supervision and control of its head, is the

GOVERNMENT PRINTING ESTABLISHMENT.

Government Print-
ing Establishment,

The total cost of this establishment was estimated for the current year at 1,924 *l.* 4 *s.* 6 *d.*, the actual expenditure for 1847 having been 2,675 *l.* 7 *s.* 2½ *d.*; but since the beginning of this year some reductions have been effected, one compositor and three pressmen having been pensioned off. It has also been suggested that a head printer should be engaged from England—a suggestion which has been approved by the Secretary of State. We have gone into considerable details of examination, with a view of ascertaining whether it would be a cheaper and better plan to do the Government printing by contract; but considering the amount of work at present performed by this establishment as compared with its annual expense, considering moreover that there are many items of work which it would be difficult for the Government to obtain so readily from any private printing office, and which are frequently required to be done at a very short notice, such as the altering of clauses of Ordinances for the Legislative Council, issuing proclamations, preparation of confidential circulars, &c., we do not feel ourselves at liberty to recommend any further reduction at present in the details of this establishment.

We trust that the appointment of a competent person from England to take charge of the office will add considerably to its efficiency. One important improvement might, we think, be very easily attained, by a greater care and minuteness in the preparation of printed forms for the various public offices in the island. We recommend that the greatest attention be paid to this point, and that the forms in use in all offices be, as much as

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possible, all printed with the greatest minuteness and detail. Much trouble of copying, and many mistakes and consequent remarks and surcharges, may be saved by a due attention to this recommendation.

Connected with this establishment there has also existed, up to the 1st of March of this year, a "bookbinding branch," the duties of which consisted in the binding of records and books in the various public departments. The cost of this department in salaries alone was estimated for this year at 465 l. 6 s. With a view to retrenchment in this item, the department has been suppressed altogether, and it has been arranged that in future this service shall be performed by contract. Sufficient time has not yet elapsed to enable us to appreciate the value of this change.

In the course of our inquiries it has come to our notice that the Government printing-office has frequently been turned to account by private parties for the execution of work not required by the Government, to the detriment of the public service, and occasionally postponement of public business. We recommend that all abuse of this kind be rigorously prohibited and checked.

We are also of opinion that the Ceylon Almanac, at present issued annually by Government, at a cost of about 1 l. 5 s. per copy (the price of each copy being only 8 s.), might well be discontinued. Its value is by no means proportionate to its expenses; and if notice of its proposed discontinuance were given, it is probable that it might be undertaken by some private individual.

Another important branch of the public service, which is also under the supervision of the Colonial Secretary, is the

STAMPING DEPARTMENT.

Stamping Department.

The duties of this department up to the beginning of the present year consisted in the application of the Government stamp, not only to such documents as were by law required to be stamped, but also to all the stationery consumed in the different public offices in the island. The working of it was under the immediate superintendence of the second assistant to the Colonial Secretary, assisted by two stampers, at 9 l. a year each. In the process of the inquiry which we felt it our duty to make into the details of this establishment, we could not fail to be struck by the insufficient provisions that appeared to exist against fraudulent stamping, an evil which appears to have attracted the attention of former Governors, and which is fully set forth in a letter addressed by the present Colonial Secretary to the late Governor, Sir Colin Campbell, on the 12th March 1847. We found that the process of stamping money stamps, and that of stamping mere Government stationery for the public offices, were frequently carried on in the same room, and at the same time, and that though the quantity to be impressed with money stamps was counted out from the office of the Commissioners of Stamps, and the same quantity returned stamped, yet there was often a mass of paper of the same size and appearance in the press-room at the very time of impressing these money stamps. We found also that the Governor's minute of the 2d February 1820, which directed three keys of the iron chest, in which the box of dies is kept, to be placed in charge—one of the Governor, one of the Colonial Secretary, and one of the Auditor-General—had not for years past been complied with, the three keys being all in the custody of the principal assistant to the Colonial Secretary, and by him daily handed over to the second assistant, by whom, as above stated, the whole process of stamping is superintended. The laxity and irregularity of such a system are too obvious to require much comment, and we therefore recommend a change in the whole system of business, which will, we trust, guard against the dangers of its recurrence. To meet the evil first alluded to, we recommend the cessation at once of the practice of impressing mere Government stationery with a stamp. The uselessness of this precaution to prevent the employment of Government paper for other than official purposes had already been made abundantly manifest to us, and it was not only a great waste of time and labour, but a constantly open loop-hole for fraud.

We have further recommended that there be in future only two keys to the iron chest containing the box of dies, and two keys to the box itself, one of each of these pair of keys to be always in the custody of the Colonial Secretary, and the other in the custody of the Auditor-General, and that when stamps are to be impressed the Colonial Secretary shall make application (in a book to be kept for the purpose) to the Auditor-General for his two keys, and shall then hand over the four keys to the Assistant Colonial Secretary, who will open the chest and box, and having done so, will immediately return one of the keys of the dies box and one of the keys of the iron chest to the Colonial Secretary, the same keys being always returned. By this means, if the stamping process be momentarily discontinued, the Assistant Colonial Secretary will still be able to lock the dies up for the time with one of each pair of keys.

We further advised that a separate room be devoted wholly to stamping the press, and dies to be always kept in it, and no other business to be carried on there, and that the Assistant Colonial Secretary do always sit in that room during the process, and on no other account transact other business at the same time. In this room we recommend that there should be two doors; that the unstamped paper should be counted in at the one door, and the stamped paper counted out at the other, the doors to be at all times locked when the room is not in use, and the keys to be delivered back, when each stamping process is over, to the Colonial Secretary, who should then transmit to the Auditor the two keys entrusted to him, taking his receipts for the same.

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The above suggestions having been approved by your Excellency, are already, to a great extent, adapted to the practical working of the department, and we have only further to recommend that they be carried out in full.

The Colonial Secretary is of opinion that the impressment of stamps has gradually become an operation of such importance that it should be confided to a separate establishment, under a responsible officer, instead of being continued under his superintendence, his time being so fully occupied as to render it impossible to devote sufficient attention to operations so minute and demanding so much vigilance. In the propriety of such an arrangement we concur, but at present we do not see the means of forming the establishment required, and the improved arrangements which have been detailed we recommend as the best attainable under existing circumstances.

In connexion with this subject, and with our recommendation above stated, which has already been carried into effect, of discontinuing the practice of stamping stationery for the public offices, we would suggest that it might be beneficial to substitute for the present system of indefinite and often wasteful issue of stationery a fixed allowance in money to every head of department, to be expended on his own responsibility, to keep the office sufficiently provided with the necessary articles of consumption under this head. We have little doubt that the announcement of the adoption of such plan for the future would ensure the laying in of a sufficient stock of stationery, at moderate rates on the part of merchants in the island, to meet the demand of the public departments.

Another branch of the Colonial Secretary's Office is—

THE RECORD DEPARTMENT.

The Record
Department.

This at present consists of one record keeper, at a salary of 120 *l.* a year, and with an allowance for house rent of 30 *l.* a year, till a room shall have been prepared for him in that part of the public offices where the records are kept, and of a clerk of the records at a salary of 60 *l.* a year.

This department is one of late creation, its existence not having been deemed necessary till within the last few years. But considering the value and voluminousness of these records, and the total absence of any index or epitome of their contents, except one which has been begun by the present record keeper, we cannot advise the abolition of this office and the return to the former system. It appears that the bound manuscript volumes now in the Colonial Secretary's Office, and consisting of English records only, amount to 3,126, and the papers not bound up would form about 150 volumes more. References have already been made by the present record keeper to about 130 of these bound volumes, which appeared to him to be the most interesting, and the substance of them is comprised in two volumes, bound and ready for immediate use.

With respect to the clerk now borne on the establishment, we recommend that he be henceforth discontinued. We think that if the record keeper is properly qualified for his post he should himself undertake, as much as possible, the labours of examination and transcription, and that if any clerk's labour be required, it should be imposed on one of the extra clerks, to be employed temporarily every year in the manner already pointed out.

It remains only to notice, in connexion with the Colonial Secretary's department, the native officers who are attached to it. These consist of a Singhalese interpreter to the Governor at a salary of 150 *l.* a year; a Malabar interpreter at a salary of 100 *l.*; a Singhalese translator at 60 *l.*; and a petition clerk at 35 *l.*

We see no ground for recommending any change in these appointments. We consider a free access to the Governor, on the part of the native population, and a prompt consideration of all native petitions, to be matters of such paramount importance that we should be sorry, by any attempted reduction, to throw any obstacle in their way. The salaries, as at present fixed, seem to be fair and moderate, and the only apparent anomaly—the greater amount of pay given to the Singhalese than to the Malabar interpreter, is explained by the greater amount of work and responsibility which lies on the former than on the latter officer.

In the number of messengers we think an immediate saving should be effected. No less than nine messengers, besides a sweeper and a punkah puller, are borne on the schedule for the current year. We recommend that five only be retained at the present salary of 12 *l.* each per annum; that the offices of punkah puller and sweeper be forthwith consolidated into one, at a salary of 10 *l.* per annum; and that in future all these subordinate officers be borne on the schedule under the head "provisional and temporary," it being understood that their continuance in the public employment depends entirely on their good conduct, as testified by the head of their respective departments.

The allowances to the Colonial Secretary's establishment consist—1st. of a sum of 300 *l.* a year to the Colonial Secretary himself, in compensation for loss of fees, which compensation, as we have seen, will expire with the present holder of the office; and secondly, of a sum of 50 *l.* to a gentleman who superintends the preparation of the Ceylon Almanac. Having advised the discontinuance of that periodical, we, of course, recommend also the cessation of the payment of this allowance out of Government funds.

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THE GENERAL TREASURY

The General Treasury.

is the next department which fell under our review.

The Colonial Treasurer, who is also Deputy Paymaster-General of Queen's troops and Commissioner of Stamps, receives a salary of 1,500 *l.* a year. His establishment consists of a chief clerk, at a salary of 250 *l.* a year, and ten other clerks, whose united salaries amount to 910 *l.* We do not propose to make any change in the arrangement, but leave the numbers and salaries of the clerks as they are at present.

There is also a cashier, with a salary of 250 *l.* a year; an assistant cashier at 40 *l.* a year; two conicopies at 30 *l.* each; and six regular and three extra counters, receiving altogether 123 *l.* per annum.

In the Stamp Office there are two clerks, one at 120 *l.*, the other at 90 *l.* per annum, who are included in the 10 above enumerated, and three messengers, two at 10 *l.* 16 *s.*, and the other at 9 *l.* A salary of 60 *l.* is also paid in this department to a stamp vendor at Kandy. Two pressmen at 9 *l.* a year each, hitherto borne on the Treasurer's establishment, have been discontinued, owing to the reductions and alterations in the Stamp department generally.

We have but few suggestions to offer with respect to the Treasurer's department, a very important one in the colonial service, and one by no means expensive in proportion to its importance. Some few reductions, however, are, we conceive, practicable and expedient.

The salary of the Treasurer himself we think by no means excessive, considering the duties and responsibilities of his position. The number and salaries of the clerks we propose to leave as at present.

The salary of the cashier we would also leave untouched. But we propose to abolish altogether the office of assistant cashier; as we conceive that one individual ought to be quite competent to perform all the duties required. These duties are not of a very important or very onerous nature. The Treasurer is, in fact, himself the cashier, and keeps the keys of all moneys; and the rigorous observance of his duties in this respect should be insisted on as a matter of paramount importance. The control of the cashier, or shroff, extends, therefore, only over the small daily balance which is left in his hands by the Treasurer from morning till evening to meet the hourly exigencies of the office. We think, also, that four counters on the fixed establishment of the department ought to be sufficient, and that any extra ones that might be needed should be engaged provisionally from time to time by the head of the department, under the authority of Government.

It was represented to us by several gentlemen, whose evidence on the financial state and establishments of the colony has been of great services to us in the preparation of this Report, that a saving might, in their opinion, be effected by the total abolition of the Treasury as at present constituted, and the transference of its functions to one of the two local banks. Anxious as we have been to avail ourselves of every suggestion that might tend towards the accomplishment of the great end proposed to us in our inquiries—the reduction of unnecessary expenditure—we have given to this question our most serious and minute attention. And, with a view of facilitating this arrangement, should it be possible to make it, we have placed ourselves in communication with the Board of Directors of the Oriental Bank at Bombay, and with their able representative, the manager of the branch bank at Colombo. But, with every disposition to carry out every possible retrenchment, we are compelled to come to the conclusion that it would not be advisable, nor even feasible, in the present state of the colony, to make so hazardous an experiment as that of doing away with the Treasury.

The advocates of such a step begin, as it appears to us, by an assumption wholly at variance with the real state of things. They assume that the Colonial Treasury is itself merely a bank, and therefore that its business might be done by any other bank. Even supposing that this were the case, we are not sure that it would be a wise or expedient course to intrust to any private bank, or even any chartered banking incorporation, however respectable, the whole management of the purely monetary transactions of the Government. But the fact is, that though the Treasury is to a certain extent a bank, it is, nevertheless, something other than a bank, and more than a bank.

By the present system of keeping and rendering accounts, the colonial Treasurer is, in fact, the pivot on which the whole accountability of the various public departments is made to revolve. Every accountant in the island is obliged, immediately on the expiration of each month, to send a copy of his accounts to the treasurer, by whom, after being passed on to the auditor, and duly checked and abstracted, they are finally posted and embodied in one general account. All expenditure for public works and buildings is, moreover, directly and exclusively defrayed and accounted for by the Treasurer. That officer is, therefore, the centre of the whole system of accountability of the island, and even if the mere cash transactions of his office were transferred to a local bank, his duties and responsibilities as an accountant would remain the same. The only gain to the public would be the suppression of the insignificant salary of the cashier and his counters; a saving which would certainly not repay the public for the change.

It will hardly be contended that these higher duties of the Treasurer, to which we have just alluded, could be safely or satisfactorily intrusted to the manager of a private bank. And, even if they were, the establishment which such bank would require could not be so much cheaper or less extensive than the Treasurer's present establishment as to warrant the

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the hope of any considerable saving from such arrangement. Indeed, in a memorandum forwarded to us by the Directors of the Oriental Bank at Bombay, through their manager here, it is expressly assumed, as a condition of the transfer of the business of the Treasury to the Bank, that "the duties of the Treasurer are confined to receiving and giving vouchers for sums paid in on account of Government, and to making payments on vouchers duly authorised on the part of Government." As we have already seen, the duties of that officer, even in his proper capacity of Treasurer, are much more complex and extensive than is here supposed; and when we superadd to them his duties as Deputy Paymaster-General and Commissioner of Stamps, we shall not hesitate long in coming to the conclusion, that the plan of proposed retrenchment, by suppressing the department altogether, is one which cannot be seriously entertained.

We have purposely avoided in this place entering into the consideration of the purely banking functions of the department of the General Treasury, as such consideration is not directly involved in the course of inquiry which we have been instructed to undertake. We would merely observe that, as a matter of general administrative policy, bearing on this special question, we are of opinion that in an Eastern dependency like this, the exercise of an influence over the monetary system and circulation, such as is derived from an office like the Treasury, is both a legitimate and an important function of Government, and one of which we should not advise the abandonment without very serious reasons. To the native mind the Government, and the Government alone, presents sufficient guarantee to support the continued circulation of any paper at all. No private bank, however respectable, could in their eyes stand in the place of the Government. Their confidence, always tardy and imperfect, would hang back altogether from a paper circulation in which the Government took no share. And, while it is foreign to our present purpose to consider whether, and to what degree, the Government circulation might hereafter be modified or improved, we take this opportunity of pointing out the great importance of this function of Government, and consequently of the department under whose management it is exercised.

From the Treasury we pass on to

THE AUDIT OFFICE.

The Audit Office.

This department consists of an Auditor-general, with a salary of 1,750 *l.* a year; an assistant auditor, at 300 *l.* a year, with annual augmentation up to 400 *l.*: and 14 clerks, whose united salaries amount to 1,410 *l.* There are also five extra clerks, with salaries amounting to 220 *l.*, specially employed, owing to the long arrears of audit found by the present Auditor on his taking charge of the office.

The salary of the present Auditor-general was fixed at its present amount by the Secretary of State, on the representation of the late Governor. We consider it to be but a fair remuneration for its important responsibilities and duties. The Auditor is also Accountant-general and Comptroller of Revenue. In the former capacity he keeps the accounts of the colony with the Agent-general in London, and with the three Presidencies in India, and prepares periodical statements of revenue and expenditure.

In the latter, and more important of the two, that of comptroller of revenue, it is his duty to watch over the general revenue of the island, to forward from time to time to the Governor such proposals as he may have to make for its improvement, or better administration, in all its various branches, and to exercise a general control over the different revenue establishments, visiting and inspecting them occasionally. With regard to this department, also, suggestions of retrenchment have been made to us of a like sweeping nature to that which we have noticed in treating of the General Treasury. It has been proposed, namely, to abolish it altogether, and to transfer the audit of the accounts either to the Audit Office in London or to the Colonial Secretary on the spot. We proceed to consider separately these two propositions.

1. The first plan appears to us to assume as a fact what we have no evidence to prove to us, viz., the willingness of the Home Government to undertake, at its own expense, so purely local a function as the audit of the island accounts. Voluminous and detailed as they are and must be in an Indian dependency like this, where there is no municipal administration and local accountability to lighten the labour of the Central Government and administration, they would require for their proper examination and audit an establishment at Somerset House, probably not less expensive than the establishment employed on them here.

But, apart from the mere question of expense, we do not see how any Board, or any establishment in England, could be competent to audit the accounts of Ceylon. The distance alone is an insuperable bar, and the want of local knowledge, the absence of all these means of information and of check which can always be commanded on the spot, would render such establishment not only expensive, but useless in its expense. It could hardly be expected that such expense should be defrayed out of English funds. If we are not mistaken, there appears to be gaining ground in England quite an opposite opinion; an opinion that even the final and very general supervision at present exercised in the last instance by the Board of Audit in London over colonial accounts, after their audit in the colonies, should be given up, and the entire audit of the accounts left in all cases to the colonies themselves. But, whether or not, it is clear that there would be no pecuniary gain, and that there might be substantial detriment to the public service from the transfer of the audit of the accounts to London, even if it were possible to be effected.

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2. The second suggestion, that of fusing the Auditor's with the Colonial Secretary's department, is one at first sight not so apparently impracticable; but we think that on examination it will be found to be equally untenable.

It is true that the establishment might be put under the control of the Colonial Secretary, and though such establishment could not by that simple and summary process be in itself curtailed, yet the Auditor himself might be suppressed and his salary saved to the public. This arrangement, however, presupposes in the Colonial Secretary a degree of multifarious activity and knowledge which we think can hardly be looked for in ordinary men. For in addition to all the daily business of his present office and his general supervision of all the public business of the island, duties in themselves already sufficiently laborious and responsible, he would have to exercise a minute superintendence over all the details of accounts throughout the island, and leave his post to undertake the visits of inspection, which form so important a part of the duties of an Auditor-general and Commissioner of Revenue. But even supposing him to be able and ubiquitous enough to exercise all these functions simultaneously, we are of opinion that it would be by no means conducive to the interests of the public service that he should be permanently intrusted with them. We think, on the contrary, that the Auditor, from his independent position and special occupations, forms a most salutary and needful check on the Colonial Secretary himself. So absolute a power as would be vested in the Colonial Secretary by the fusion of these two offices would, we apprehend, be quite fatal to the efficiency of the Government as we conceive that it should be composed. Any wasteful expenditure of public money, any arbitrary exercise of the central power, might go on unchecked, and even unnoticed, if the controlling as well as the executive functions of Government were united in the person of a single individual.

Another consideration which should have its weight is that the Auditor-general is at present an important and influential member of the Executive Council. We have already stated what great importance we attach to the proper constitution and independent working of this body. It must of course be composed of the principal servants of Government in the island, and if there were no heads of departments as at present to fill it, the appointment of special members would be necessary with separate salaries, of course proportionate to their rank and importance as members of the Government. What would be gained therefore on the one hand by the abolition of such offices as those of Treasurer and Auditor would be expended on the other in the provision of substitutes for them in the Council.

On the whole, therefore, we are of opinion that it would not be advisable to attempt any change in the present constitution of the Auditor-general's department further than the substitution of a smaller number of efficient clerks on the fixed establishment instead of the present number. We think that here also the number of such fixed clerks should be 12, and the salaries the same as in the Colonial Secretary's Office. We are further of opinion that the post of Assistant Auditor-general might advantageously be dispensed with when vacated by its present holder, a very old and valuable public servant. The Auditor ought, we think, to be able to carry on the business of his office with the aid of a sufficient number of clerks, the first of whom should be called, as before, head clerk, and not assistant auditor. The name of assistant is indeed one which in most cases we think highly objectionable, as it tends to imply at least a division both of power and of responsibility which should be vested solely in the head of the department.

We may take this opportunity of suggesting a definitive settlement of the comparative rank of this office and the Treasury. By the Queen's instructions the Auditor-general and Comptroller of Revenue, while he takes precedence of the Treasurer in the Legislative Council, is placed below him in the Executive. This anomaly should, we think, be corrected, and considering the much greater importance of the functions exercised by the Auditor-general, especially in his capacity of Controller of the Revenue, we think he ought undoubtedly to be placed above the Treasurer in both Councils. We also think that greater prominence should be given to the position of this officer as Controller of Revenue. At present that term is virtually kept out of sight, and merged in that of Auditor-general. It might, however, be more desirable to reverse the order of these two designations, and call this officer "Commissioner of Revenue and Auditor-general." The correspondence of his duties in relation to the revenue with those of the former "Commissioner of Revenue" is shown in the Governor's minute of the 19th April 1843, and there are associations connected with that designation that would make its adoption highly beneficial.

The messengers of this office, three in number, at the usual salary of 10 *l.* 16 *s.* each, we would leave as they at present stand.

As we have already stated, we shall be prepared, before concluding this Report to submit certain modifications in the present forms of keeping and rendering the public accounts, which will, we trust, have the effect of simplifying the business of this office, and rendering possible the reduction proposed in its fixed establishment. But the suggestions we purposely reserve to be separately set forth and explained. We next proceed to the

Surveyor-General's Department.

SURVEYOR-GENERAL'S DEPARTMENT.

As borne on the schedule of this year, the fixed establishment of this department consists of one Surveyor-general, at a salary of 800 *l.* a year; 11 Assistant-Surveyors, viz., one at 625 *l.*, one at 400 *l.*, three at 300 *l.* each, and six at 200 *l.* each; also a superintending officer

officer in the Northern Province at 100 *l.* a year; four clerks, whose united salaries amount to 330 *l.* per annum; two registrars of surveys, who cost 140 *l.*; two examiners of surveys, 120 *l.*; two draftsmen, 160 *l.*; two messengers at 21 *l.* 12 *s.* There are also three draftsmen estimated for who have been educated for the service in the Northern Province, and who are paid 132 *l.* 18 *s.* 8 *d.*, and an extra messenger at 10 *l.* 16 *s.*; these last appointments being "provisional and temporary." Horse allowances for this department are estimated at 593 *l.* 2 *s.* 6 *d.* for the year.

It would be superfluous to dwell here on the great utility and importance of the Survey department in a colony like this, with so many thousands of acres of land almost entirely dependent on its efficiency for the means of safe and profitable cultivation. We are fully aware of the local and temporary obstacles which have hitherto deferred the commencement of that great undertaking of a "general survey and settlement of all lands throughout the island," which was pressed so strongly on your Excellency by the Secretary of State at the very outset of your administration, and of which you have ever since been engaged in preparing and maturing the plan. This undertaking will probably require a much larger staff of surveying officers than the present establishment can supply. But laying aside the consideration of this great measure, the preparatory details of which may possibly require some further time, we are of opinion that for the ordinary purpose of survey the present establishment is already too large. We propose that in future it shall consist only of a surveyor-general at his present rate of salary, and five assistant surveyors, one at 500 *l.*, one at 400 *l.*, and three at 300 *l.* a year. The continuance of any further number of surveyors on the "provisional and temporary" establishment should depend of course on the amount of work likely to be required, and on the degree of forwardness of the plan of a general survey.

The number of clerks on the fixed establishment we would limit to two, one at 120 *l.* a year, and the other at 100 *l.*; any extra clerks that may be required, to be estimated for annually in the manner already explained. The two draftsmen now on the establishment we propose to leave at their present rate of pay, as also the two registrars and two examiners of surveys. Besides the draftsmen thus borne on the establishment, there is a further varying number of draftsmen in employ who are paid according to the work performed by them, and whose pay is charged against the different surveys on which they are employed. This arrangement we approve, and see no reason to change. Being assured by the head of the department of the absolute necessity for three messengers in this department, we recommend that all three be borne on the schedule under the same head as "provisional and temporary."

We find also borne on the Surveyor-general's department an assistant-surveyor at 3 *s.* per day; one draftsman at 36 *l.*, and one clerk at 72 *l.* per annum, these three officers having been transferred to this department from the lately abolished one of town surveyor. We recommend the discontinuance of the two former (the draftsmen being engaged, if necessary, on the same footing as the other draftsmen not on the fixed establishment), and the retention of the clerk at his present salary, his duties being of a special nature, and requiring special qualifications, as consisting chiefly in the examination of Dutch records for the ascertainment of questions relating to property within the gravets of Colombo.

With respect to horse and travelling allowances in this department, we think that a stated distance should be fixed within which it should not be allowed to an officer to draw both allowances. We should propose seven miles as the limit, so that a surveyor not exceeding that distance from his station for the time will draw no allowance beyond his horse allowance, and only on passing that limit, and thereby incurring reasonable charges for Coolies, &c., will be entitled to travelling allowances per day.

The two offices that come next under review are those of the

CIVIL ENGINEER AND COMMISSIONER OF ROADS.

Civil Engineer and
Commissioner of
Roads.

As we intend, as will be presently seen, to recommend the fusion of these two departments into one, it will be more convenient to treat of them jointly under the same head.

The present establishment of the Civil Engineer as estimated for in the schedule for this year, consists of the civil engineer himself, with a salary of 800 *l.* a year; one assistant at 369 *l.* 11 *s.* 8 *d.*, one at 300 *l.*, and one at 162 *l.* 10 *s.*; one head clerk at 120 *l.*; three provincial clerks, costing together 220 *l.*; one examiner of estimates at 80 *l.*; one clerk of stores at 100 *l.*; two draftsmen, one at 100 *l.*, and the other at 30 *l.*; one office-keeper at 18 *l.*, and two messengers at 10 *l.* 16 *s.* each. There is further on the provisional and temporary establishment one clerk of works at Colombo at 120 *l.*; one clerk and storekeeper at Putlam at 36 *l.*; one clerk and storekeeper at Jaffna at 24 *l.*; one clerk and storekeeper at Nincomalie at 54 *l.*; one clerk of works at Kandy at 100 *l.*, and one clerk and storekeeper at 80 *l.*

The total expense of the establishment on this year's estimates being 3,443 *l.* 5 *s.* 9 *d.*, there is further a fixed allowance of 100 *l.* to the civil engineer for the keep of horses, and to three assistants and one clerk of works at 2 *s.* 6 *d.* each per day, amounting altogether to 282 *l.* 10 *s.* Attached to the department of the Civil Engineer is an elephant establishment, which having been greatly reduced at our recommendation in the beginning of the current year, is estimated for this year at 372 *l.* 12 *s.* 1 *d.*

The expense of the department of the Commissioner of Roads is one that it is far less easy to calculate. Hitherto in prefacing our recommendations for any reduction in any

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department by a statement of the actual expenditure of that department, we had only to copy the schedule of the sums allowed to the department for the service of the current year, properly classified and fully enumerated in the estimates for the year prepared by the Colonial Secretary, and sanctioned by the Secretary of State.

But in the case of the department of the Commissioner of Roads, we should be wholly at fault were we to adopt the course, and any statements founded on such basis would only lead your Excellency astray, and make our conclusions as erroneous as our premises. For, though we find the total cost of the establishment estimated for this year at 16,016*l.* 13*s.* 4*d.*, to which may be added a sum of 245*l.* 0*s.* 6*d.*, being provisional and temporary salaries to persons lately transferred from the abolished office of town surveyor, this sum gives by no means a fair notion of the actual expense of the department. To explain this we must enter into some brief explanation of the method in which the expenditure of this department is brought to account.

The head of the department enjoys a salary of 1,000*l.* a year. Under him are borne on the fixed establishment three assistants, one at 250*l.*, one at 200*l.*, and one at 175*l.*, besides one assistant on the provisional and temporary establishment at 365*l.* per annum. There are four clerks, costing altogether 345*l.*; one examiner of estimates at 100*l.*, two draftsmen at 175*l.*, and three messengers at 32*l.* 8*s.* Further, six clerks of the pioneer establishment, costing together 310*l.*, and an elephant establishment, which, though reduced at our recommendation simultaneously with the corresponding establishment of the civil engineer, still costs 761*l.* 18*s.* 9*d.* Then comes the pioneer establishment, which figures on the estimates (fallaciously, as we shall presently see) as consisting of—

	£.	s.	d.	
4 serjeant-majors, costing	-	-	-	146 - - a year.
12 serjeants, at	-	-	-	292 - - "
12 corporals, at	-	-	-	255 10 - "
12 first-class artificers, at	-	-	-	328 10 - "
12 second-class ditto, at	-	-	-	273 15 - "
16 third-class ditto, at	-	-	-	292 - - "
48 fourth-class ditto, at	-	-	-	657 - - "
416 first-class pioneers, at	-	-	-	4,745 - - "
200 second-class ditto, at	-	-	-	1,825 - - "
40 boys, at	-	-	-	273 15 - "
200 women, at	-	-	-	304 3 4 "

Besides these charges borne under fixed establishment, there appear on the schedule the following additional ones under the head of "provisional and temporary," viz., four superintending officers at 547*l.* 10*s.*, one clerk at 54*l.*, one storekeeper at 54*l.*, and one store Cooly at 10*l.* 16*s.* This detailed statement might be supposed by the most rigorous scrutinizer into the establishment of the island to comprise the whole of the charges of the pioneer establishment; and in no special return does any further statement anywhere appear. In reality, however, there exist, besides the four divisions of the pioneers, the strength of which we have just enumerated, no less than four subdivisions of about equal strength, and of course equal expense. These four divisions never having, as it seems, been sanctioned by the Secretary of State, have never been borne upon the schedules of the establishment, and their very existence appears not to be officially recognised. The question then naturally arises, how can these four extra divisions of pioneers, whose work of course is not gratuitously furnished, be paid, and the payments brought to account, if they are not borne on the annual estimates of expenditure, and no provision consequently is made for their payment. The machinery by which this apparent enigma is solved is to be found in the elasticity of the departmental estimates, in which these four divisions of pioneers are regularly charged against the various roads on which they are at work, the estimate of the cost of each road being so framed as to include a proportion of the charge of these four additional divisions. Thus, though no provision is made in the estimates of establishments for the pay of these divisions, they are nevertheless paid on the estimates of works. This explanation would seem, at first sight, sufficient to clear up the apparent anomaly of one-half of the pioneer establishment being paid as fixed establishment, that is with regular rates of pay, and the other half being paid on particular estimates. But this is not all; in the confusion of accounts in this department there is a still further and more extraordinary anomaly to come. It would naturally be concluded that the first four divisions of pioneers, those namely who are borne on the schedules of the fixed establishment, would not be charged on the estimates of individual works, but that only the remaining four divisions who are not so borne would be charged and paid in this manner. Such, however, is not the case. In point of fact, the whole eight divisions of pioneers, fixed and unfixed, are equally charged against the separate estimates; in other words, the schedule of establishment is a pure fiction, and offers no criterion whatever of the amount of its annual expense.

In consequence of this method of paying pioneers the detachments are frequently moved from one station to another at a great expense to the public, not because their services are required on a new road, but simply to make their charges fit into the estimates. Thus, if 1,000*l.* is voted for one road in a given year with the view of carrying out a certain portion of that road, the remainder to be voted in the year following, if towards the month of December it is found that the sum granted by that estimate is running short, the pioneers are all transferred, whether wanted or not, to some other road on the estimate for which for the year there is still money enough remaining to cover their pay.

The

The expense of the removal is, in these cases, made a charge against the estimate of the new road to which the pioneers are transferred.

Besides the excess in the number of divisions of pioneers there is also a staff of European superintendents, varying in number, but at present amounting to 14, at different rates of pay, of which the average is 7*s.* 6*d.* per diem, scattered over the island, whose salaries and allowances are charged in like manner against the individual estimate, and who are in like manner often shifted about from one station to another, not because their services are required, but to make the different estimates fit in and cover the charge of their pay. So, while the cost of the establishment of the Commissioner of Roads for the current year is given in the estimates, as above stated, at 16,016*l.* 13*s.* 4*d.*, and the estimate for actual outlay on roads, streets, and bridges is 43,573*l.*, we find the latter amount entered in the summary of the estimates at only 33,418*l.*, the difference between the two amounts being the supposed aggregate of the expenditure brought to account under two different heads. We say the supposed aggregate, for the fact is, that the whole amount is a fictitious one altogether, and the system so bad that no ingenuity can bring it into light and order without a complete and radical change. For in this attempt at adjustment it is, we presume, only the expenditure of the fixed divisions of pioneers which is subtracted from the whole amount; though what reason there can be for making any distinction whatever, in this or any other respect, between the two classes, or why the pay of certain officers of the department should be brought to account as a distinct charge on every work performed by it, any more than a proportion of the salaries of the Government agents, for example, and their establishments, should be brought to account in, and subtracted from, every payment of revenue made into their hands, we are wholly at a loss to imagine.

Another crying evil in the constitution of these two departments of Civil Engineer and Commissioner of Roads is the multifarious complication and unreality of their accounts. According to the present system every estimate sent in must specify the exact number of days' work, the exact number of workmen of each kind and denomination, the exact number of inches of any material to be employed. The accounts sent in monthly are compared with these estimates, and checked with the greatest exactness by the Auditor-general, and the slightest deviation made the subject of a surcharge. Thus, if the civil engineer has estimated for the cost of 1,000 days' labour of masons at 1*s.* 3*d.* a day, and 1,500 carpenters at the same rate, for any given work, it is necessary for the auditor to keep open from month to month a book, showing the total amount of days' labour brought to account under the estimate under each of these two heads; and if, at the conclusion of the work it should appear that only 990 days' labour of masons had been charged altogether, and 1,510 days' labour of carpenters, though this deviation from the estimate involves no pecuniary difference, it is nevertheless the auditor's duty to surcharge the items; but this surcharge again, according to the present system in the departments of public works, is nothing more nor less than a ceremony, a fiction of law. When the surcharge goes back to the department, authority is immediately applied for to the Colonial Secretary, and as immediately granted, to substitute an "amended estimate" for the original one, which amendment consists simply in substituting "990 days' work of masons" for the original 1,000, and "1,510 of carpenters" for the original 1,500. We need not expend much reasoning in laying down as a principle that, if this minuteness of check required of the auditor in examining the accounts of the departments of public works is right, it must certainly be wrong to allow of so easy and habitual a defeat of it as is furnished by this system of "amended estimates."

The irregularity and inconvenience of the present system of account and expenditure in these departments have already been made subjects of inquiry in a Committee of the Legislative Council which was appointed in the Session of 1846. And it results evidently from the proceedings of that Committee, that not only was there no cause shown for the indefinite continuance of such a system, but, as appears from the Minutes of Evidence, the officers of the departments in question who were examined before the Committee had themselves no clear idea of the very system under which they worked. At page 22 of the printed Minutes of Evidence, the Commissioner of Roads is asked the following question (No. 105):—"On looking at the form in which money is voted to your department by the Supply Ordinance for the year, for instance for the year 1845, I find that a gross amount of 45,000*l.* is assigned to your department for 1846, provided that the total expenditure of the Commissioner of Roads' department, inclusive of fixed establishment, stores, and all other charges, shall not exceed 28,000*l.*; can you explain to the Committee the object and nature of that limitation?"

To this question the Commissioner of Roads makes answer,—"I conceive there are two objects in the limitation; the first is, that in the event of its being found impracticable to carry out any one particular work, there would be others with which we might proceed to the full limit of the original vote; and further, that if towards the middle of the year the funds of the colony would not admit of any extension of the limit, my expenditure should not exceed the smaller sum; but for some years past supplementary supplies have been voted, and I have taken it as a matter of course of late that the funds of the colony would admit of the difference between the sum for which estimates are sanctioned and the amount limited by the Supply Ordinance being made up to me." Now, in this answer, it is clear that the Commissioner of Roads himself has wholly misapprehended the meaning, such as it is, of the certainly anomalous wording of the clause, which votes 45,000*l.* for the year to his establishment, provided its total cost does not exceed 28,000*l.* The real

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reason for that wording of the vote is, as we have seen, that certain charges of the department, the pioneers for instance, are in reality provided for twice over, being first of all inserted as part of the charges of the fixed establishment, and then voted in detail on the estimates for each separate road on which they, or any part of them, are to be employed, and the difference of 17,000 l. between the two sums above quoted is simply the aggregate amount of the charges thus repeated. The question of supplementary supplies is wholly foreign to the matter, for if the larger sum had been really voted, as the Commissioner of Roads appears to suppose, there could be no necessity for a supplementary vote to enable his department to expend it.

We quote this instance as the best we could adduce to show the hopeless complexity of a system which even the most experienced officers who have acted under it are unable themselves to understand.

The practical question now is, how and in what way are the defects of this system to be amended?

The Committee of the Legislative Council, to which we have referred above, took the opportunity of examining an officer of the Bengal Engineers, Captain Weller, who happened to be in Ceylon at the time of their inquiries, and who in his answer gives some insight into the Indian system of administration on these heads, having himself been extensively employed in the construction of roads in Bengal. It would appear from his evidence that the system followed in the peninsula is quite free from the cumbersome checks to which we have above referred as existing in this island. But in this, as in many other respects, the example of Indian administration is one which cannot be safely followed here, for the simple reason that all its painful conditions are wholly wanting here, and that we have other conditions to consider, of which the Indian administrator knows nothing. There there is no Legislature to vote the sums expended in such works, or to control the disposition of the funds assigned to them. The form of audit, too, of these and all other accounts is regulated entirely by the Company itself; here it is a part of a general system laid down by the Imperial Government for all its colonial dependencies. The check over this expenditure of public works in India appears, too, as far as we can gather from Captain Weller's evidence, to be by no means so complete as we conceive it ought to be, or as we should recommend to be adopted here, and even he himself is obliged to admit that under its operation "if a man were inclined to be a rogue, he has doubtless many opportunities of making money." Answer to Question 300, page 75, of Minutes of Evidence.

Abandoning, therefore, the Indian system of administration in these departments as at all events unsuited to local circumstances and requirements, we have to look around for some other machinery by which the difficulties and irregularities that we have set forth may be diminished or got rid of altogether.

In making this inquiry, we could not fail to be struck with the remarkable unanimity with which all the merchants and other gentlemen who have given their evidence on these subjects recommend the abolition of our present Road department altogether, and the substitution of a contract system for the execution of all public works in the island. They state, and we think rightly as far as the general principle is concerned, that a government as government can never compete with private enterprise, as regards either cheapness or efficiency of work, and that if due notice were given, there is every reason to expect a sufficient supply of contractors able and willing to undertake all the public works in the island at a far less cost than the present one.

It is stated, on the other hand, by the officers in these departments who have had the greatest experience, and whose opinions carry most weight, that the contract system, when tried here, has not been found to succeed, that it needs the direct interposition of Government to get work efficiently performed, and that there does not appear to be a sufficient nucleus of capital or enterprise in the island to warrant a hope that anything like an efficient system could be carried out by private enterprise.

For our own parts, after devoting much consideration to this subject, and weighing well the arguments on both sides of the question, we are decidedly of opinion that even accepting to their fullest extent the predictions of failure of the opponents of the contract system, it is nevertheless the right system to be adopted, and that with the least possible delay.

We think that, even admitting that under that system, our roads would not be as good as they are now, nor our public works in general as well executed, it is nevertheless far better for the island to have for a time imperfect roads, and badly built houses, than to enjoy the little superiority we now possess at the expense of such costly establishment, and such hopeless complexities of account as we have already detailed to your Excellency.

We are, however, far indeed from anticipating that the change of system we are about to propose will have the effect apprehended by the gentlemen whose opinions are adverse to its adoption. It must be recollected that it is a system, as yet, wholly untried (for the partial experiments that have been made in times past were not of a nature on which to base any conclusions for the future), and that the parties most likely to know the subjects well, the individuals whose habits of commercial enterprise and calculation give a peculiar value to their testimony, are all sanguine as to its complete ultimate success. Against these hopeful anticipations, and against the certain advantage of an immediate and important reduction in our expensive establishments, we have nothing but vague and unsupported presumptions of failure without any data from which to argue.

The objection that there is not at present in the island sufficient capital and enterprise for

for the undertaking of contracts for great public works does not appear to us a weighty one.

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It must be admitted that there is at present some doubt as to the continued prosperity of Ceylon as a great planting and commercial dependency. A cloud hangs over the future which it may yet take some years to dispel. But this at least is clear, that the island will either be prosperous in its agriculture, its exports, and its commerce in general, or it will not. If the former alternative be realized, there will be no lack of capital for this as for all other purposes. If the latter state of things come about, and there really be a drying up of those sources of wealth and improvement which in the last few years have done so much to fertilize and adorn, it will be admitted, that in that case there will exist no further necessity for so large an annual outlay to construct and keep open those great and costly channels of European industry and commerce which, by the supposition itself, will have ceased to exist, and our attention will rather have to be turned to the more moderate requirements of native agriculture and improvement. In either supposition, therefore, we find good grounds for recommending the reduction of our expensive departments of public works, and the introduction of the contract principle as the best means towards this end.

For this purpose we recommend that the offices of Civil Engineer and Commissioner of Roads be fused into one; the officer performing the duties of both to receive the salary now held by one, viz., 800 *l.* a year; that the establishment of the said officer consist of five assistants, one at 500 *l.*, one at 400 *l.*, three at 300 *l.*; of six clerks, one at 150 *l.*, one at 100 *l.*, one at 60 *l.*, and three at 50 *l.* per annum; of one clerk of works at 100 *l.* a year, two draughtsmen, one at 100 *l.* and one at 50 *l.* a year; and two messengers at 10 *l.* 16 *s.* each. Further, we recommend that the fixed allowance for the keep of horses of 100 *l.* a year now given to the civil engineer be continued to the officer who acts in the joint capacity of civil engineer and commissioner of roads, and that the four assistants draw the horse allowance of 5 *s.* a day as before; they, as well as the head of the departments, to be allowed travelling allowances under the conditions and according to the rates to be hereafter laid down.

We propose also to do away entirely with the provincial establishment of clerks, storekeepers, &c., of these two departments now kept at Kandy, Jaffna, and other places, and to hand over to the Government agents at each place the stores at present on hand.

We are of opinion that for the future all public works, roads, and buildings should be carried on and kept up as much as possible entirely by contract, and that due notice should be given to the public both here and elsewhere of the intention of the Government to adhere to that system. The duties therefore of the civil engineer and his establishment will consist chiefly in the supervision of the works undertaken by contract, with a view to ensuring its due performance according to the terms of the agreement in each case, and of the performance of such public works and the up-keep of such roads as cannot conveniently be contracted for.

As some time may possibly elapse before the contract system can fairly be judged of by its effects, and as it is of the greatest importance to the best interests of this island that its means of communication should not be exposed to any danger of interruption from any cause however remotely probable, we advise the retention for the present of the four divisions of pioneers now borne on the fixed establishment, but recommend the reduction of the other four. And in all the estimates to be hereafter made out, we recommend that the present system of charging the cost of the pioneer establishment proportionately against each individual estimate be discontinued, that charge being brought to account once for all on the fixed establishment.

In suggesting these alterations the two ends we have had in view have been, 1st., the carrying out of retrenchment in this expensive portion of the establishment of the island, to the utmost limit that appears to us practicable, and, 2dly, the retention of such nucleus of administrative machinery in these departments as may suffice to keep the absolutely necessary public works of the colony independent even of the good or bad success of the proposed system of contract. Further modifications, perhaps further retrenchments, may hereafter become feasible, and even advisable, as the pressure of the Road department in particular is removed from the central resources of the revenue by the successful working of the Road Ordinance. It would be premature just now to go into the details of that Ordinance with a view to its adaptation to the revised scheme of establishments which we propose. Such details will be more properly the subject of future administrative regulation when the light of practical experience has been thrown on that Ordinance, and on the system we have now laid down.

The next establishment which invites our attention is the

BOTANICAL GARDEN

Botanical Garden.

at Peradenia. This establishment, presided over by a superintendent, at a salary of 300 *l.* a year, with a moderate staff of subordinates, is one of which we should much regret to have to recommend the discontinuance. Its total cost of establishment appears in the schedule of the current year as 1,063 *l.* 6 *s.*, a reduction having been already effected by the distinguished naturalist, Dr. George Gardner, who lately presided over it, and whose sudden death has deprived the colony of one of its most valuable public servants. The contingencies of the establishment are estimated at 118 *l.* 7 *s.* 6 *d.* more, making altogether a total of 1,181 *l.* 13 *s.* 6 *d.*, by no means a large sum for the up-keep of so useful and so

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rare a collection. An opinion, however, prevails in the island, that this is not an expenditure which ought in justice to fall on the colonial revenue. The establishment at Peradenia is in fact looked upon as an off-shoot of the Royal Garden at Kew, a nursery for the collection and growth of such plants and flowers as may be hereafter wanted for that ornament of the mother-country, and it is thought in the colony that it would be but fair and just on the part of the Imperial Legislature, which appropriate large sums to the present establishment in Great Britain, to include in its grants the up-keep of such affiliated establishments as exist mainly or solely for the benefit of the parent one. Without putting the question on the footing of abstract right, we certainly are of opinion that this is not a charge which ought fairly to press on the local revenue, and if the establishment at Kew is not permitted to include cost of the Peradenia Garden among its own charges, we should recommend, not of course its abolition, but the reduction of its expense to the lowest possible limit.

Some reductions, we understand, are already in progress under the present acting superintendent, and we recommend that they be further carried out by the gradual cessation of all outlay not absolutely indispensable.

Considering, however, the value of this establishment to English science and art, we indulge a hope that its not overburthensome expenditure may be transferred from the island revenue, where it is serious enough to be felt, to the wider resources of the mother-country, where it would be but a light and barely perceptible augmentation of existing expense.

Loan Board and Savings Bank.

LOAN BOARD AND SAVINGS BANK.

Although these two institutions are in many respects very different from each other in their nature and system of management, and were founded for different ends, there is nevertheless enough that is common to them both to render it convenient to treat of them together.

Indeed there have not been wanting recommendations for a junction or amalgamation of both institutions under one and the same management, a measure which, it was hoped, might be effected not only without detriment, but with positive advantage to both.

On a first view of the case there appeared to be much that was favourable to the adoption of this proposal. The funds at the disposal of both institutions are alike, but act on the security of real property only, and the rules by which the loans are regulated are very similar in their character.

But in other respects the nature and objects of the two establishments are very dissimilar from one another, and the conditions of their original formation essentially different.

In fact, the one (the Loan Board) is in every respect a public institution, for the due administration of which, as well as for the security of its funds, the Government appears to be primarily responsible. All its officers are appointed and paid by the Government. The other (the Savings Bank) was in its origin a private institution, founded for a benevolent and charitable object. It is true that its proceedings have been controlled, to a certain extent, by an Ordinance or Regulation of Government, passed in 1833, and the funds at its disposal have been lent out at interest by unpaid trustees appointed by Government. But those trustees are by the Ordinance distinctly relieved from all liability, except for their own acts or deeds, or for any wilful neglect or default. This benevolent institution for the accommodation of the industrious classes has continued to receive at all times the marked encouragement of the Government, and the sum of 100 *l.* has been annually contributed out of the public revenue to pay the salary of the chairman of the superintending committee. But no other officers employed on the establishment receive any emolument from Government, nor is any portion of the profits of the institution paid into the general revenue of the island.

The position of the Loan Board is quite a different one. The whole of the officers of the institution are paid out of the general revenue, and one-third of the annual interest derived from the loans is paid over to Government, and exceeds by nearly one half the whole amount of the expenditure.

It will not be difficult therefore to arrive at the conclusion, that no real benefit, but on the contrary, some disadvantage would result from the amalgamation under one Board of management of these two separate institutions.

As regards the savings bank, the whole of the profits of its investments, after defraying the entire cost of its management, are paid over to the depositors, with the exception of a small fraction which is added to the surplus fund. The money is lent out at 7 per cent., of which 6 per cent. is paid to the depositors, the remaining 1 per cent. sufficing to defray expenses. As the institution is now in a sufficiently flourishing condition to be able to support the entire expense of its management, there can no longer be any necessity for defraying the salary of the chairman out of the general revenue, and we therefore recommend that the payment of 100 *l.* per annum to that officer be discontinued. It will be advisable in this case to propose an amendment of the 5th clause of the Regulation No 4, of 1833, which prohibits the manager of the institution from receiving any salary or profit out of the funds of the institution itself.

By the 20th clause of the Ordinance referred to, all instruments or documents required by the rules of the institution, even the bonds for loans, have hitherto been exempted from stamp duty, but as no sufficient reason is apparent why some of those instruments should not be brought under the operation of the Stamp Ordinance No. 2, of 1848, we recom-

mend

mend an amendment of the original Ordinance in this particular also, by which means a legitimate increase to the revenue may be obtained without detriment to the institution.

The total amount of money in deposit with the savings bank on the 31st December 1848, was 34,420 *l.* 5 *s.* 5 *d.* The amount of surplus fund was 3,877 *l.* 8 *s.* 7 *d.* The number of depositors at the same period being 1,088.

Since that time both the numbers of depositors and the amount of sums in deposit have been on the increase.

The total cost of management of this institution, paid out of its own funds, including the legal adviser and various incidental charges, is only 388 *l.* per annum, to which must be added the salary of the chairman, 100 *l.* per annum, hitherto paid by the Government. If this charge were transferred to the institution itself, the total cost of management would still be under 500 *l.* a year, the whole of which might without difficulty be paid out of the annual profits.

The Loan Board, as being a recognised public institution, established under various rules of the Supreme Court for the benefit of suitors in the courts of law, of minors and of claimants upon intestate estates, comes more properly within the range of our inquiries.

We find that previously to the year 1824, the funds at the disposal or under the charge of the Supreme Court were entirely managed by the registrar of that court, under the direction of the judges. But in that year a master in equity was for the first time appointed; and by a rule of Court, dated 16 July 1824, a new Board was created, of which that officer was to be the principal or chairman, for the express purpose of administering the several funds in a manner most advantageous for the parties interested therein. This new Loan Board was to consist of the master in equity, the accountant-general, and the registrar of the Supreme Court; one half of the annual proceeds of the loan was directed to be placed to the credit of the respective accounts, and out of the remaining half the whole expenses of the Board and their establishment were to be defrayed, the balance being placed to the credit of a surplus fund, which was intended as a protection against all contingent losses.

Modifications of this arrangement were subsequently made from time to time by other rules of Court, with a view to meet the particular demands of the moment or to render the proceedings of the Board more uniform and satisfactory. But the responsibility of those proceedings rested entirely, it would appear, with the judges of the Supreme Court.

By the charter of 1833 the district courts were brought into existence; and by the transfer to them of all the original civil jurisdiction of the Supreme Court, the administration of moneys belonging to suitors, and the estates of intestates, &c., devolved necessarily upon these new courts. The Ordinance No. 7, of 1833, was therefore passed for continuing in the Loan Board as then constituted, or as it might thereafter be composed by the Governor, by letters patent under the Great Seal of the island, all powers and authorities over the moneys then under their administration, or which might thereafter come under their administration, which the Board had heretofore legally exercised. The operation of the Board was extended in terms to the district courts, subject to any rules which might be duly made by the Supreme Court with the sanction of Government, or by legislative enactment, if they should be of a nature to require such authority. It has however, been represented to Government by the judges, that it is extremely doubtful whether under the charter any rules can be duly made by them to affect the administration of the Loan Board; and for this reason, as well as for others which will appear when we submit our advice as to the re-constitution of the judicial establishments, we recommend that the Loan Board should be wholly disconnected from the Supreme Court, and placed under the direct control of the Governor and the Legislative Council, by a new Ordinance framed for its future regulation.

The total amount of money under the charge of the Loan Board on the 31st of May last, was 37,664 *l.* 12 *s.* 2 *d.* But the various funds which contribute to make up this amount differ a good deal from each other, and therefore require to be noticed separately.

The money belonging to suitors in all the district courts throughout the island, and to the estates of intestates, forms, as might be expected, the larger proportion of the amount. A regular account is kept with each of the district courts, and the aggregate sum deposited by them on the 31st May last amounted to 28,466 *l.* 1 *s.* 3 *d.*

There also stood to the credit of the Surplus Fund at the same date, 2,514 *l.* Of the whole annual interest derived from these two sums (amounting together to 30,980 *l.* 1 *s.* 3 *d.*) two-thirds are paid to the courts on behalf of the parties interested, the remaining third being handed over to Government at the quarterly allotment of the dividend.

Another item composing the moneys in charge of the Local Board is the Pioneers' Fund. This fund was established in February 1845, by the Commissioner of Roads, with the intention of gradually accumulating a sufficient amount to enable him to pay moderate pensions to old and deserving men belonging to the road pioneers after a certain number of years' service. The fund was originally commenced, and is annually augmented by deductions from the pay of the pioneers, made expressly for this purpose. The object in view appears to have been a very commendable one, but as yet there are no claimants for pensions out of the proceeds of the fund. It amounts at present to the sum of 2,877 *l.* 1 *s.* 11 *d.*, the whole of the interest of which is regularly carried to the credit of the fund, which is therefore rapidly augmenting. The money is only deposited with the Loan Board for the convenience of investment, no advantage whatever being derived from it by the Government, nor is any portion of the interest added to the general surplus fund of the Board.

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Under all the circumstances of the case, it appears to us that this fund would more properly fall under the management of the savings bank; for the operations of the Loan Board ought, we conceive, to be strictly limited to the objects for which it was originally constituted. The transfer to the savings bank could be effected without difficulty.

There remain to be noticed two other funds of a peculiar nature under the management of the Loan Board. These are the Wees-Kammer and the Boedel-Kammer Funds. The former of these comprises the residue of a fund which, in the time of the Dutch domination in Ceylon, belonged to orphan children under the guardianship of the Supreme Court of Justice; and the latter consists of the remains of a fund composed of the estates of Dutch intestates. The amount of the former is at present 3,377 *l.* 12 *s.* 3 *d.*, that of the latter (the Boedel-Kammer), 430 *l.* 16 *s.* 8 $\frac{1}{2}$ *d.* The accounts of the Wees-Kammer Fund were finally closed at the latter end of 1827, and the whole of the annual interest accruing from it has been ever since paid to Government under a rule of the Supreme Court, dated 21st October 1828. The whole of the interest of the Boedel-Kammer Fund has in like manner been paid to Government; and as there appear to be no claimants to either of these funds, and the right of the Government to the interest of them in default of such claimants has been admitted and acted upon, we see no reason for the retention of these two sums by the Loan Board, and recommend that they be paid into the Treasury to the credit of the colony, the general revenue being of course subject to the satisfaction of any individual claims which might hereafter be proved against either of the two funds.

The total amount received by Government during the year 1848, as its share of the interest of the various funds lent out by the Loan Board, was 1,109 *l.* 8 *s.* 2 $\frac{1}{2}$ *d.* But this includes the whole of the interest of the Wees-Kammer and Boedel-Kammer Funds, amounting during the year 1848 to 216 *l.* 10 *s.* 8 *d.*

The sum paid to Government in that year, on account of its share in the proceeds of suitors' deposits and of the Surplus Fund, was 892 *l.* 17 *s.*, in consideration of which it has had to charge itself with the entire cost of the establishment, receiving no benefit whatever from stamp duties.

The Loan Board is at present administered by three Commissioners, two of whom, the treasurer and the registrar of the Supreme Court, are unpaid. The third Commissioner receives a salary of 200 *l.* a year; besides which there are three clerks, whose united salaries amount to 200 *l.* a year; one conicoply at 40 *l.*, and one messenger at 12 *l.* The incidental and contingent expenses are estimated for the year at 10 *l.*

Deducting the sum of these amounts, viz., 462 *l.* from the sum of 892 *l.* 17 *s.* above-mentioned, there will only remain to Government the small annual balance of 430 *l.* 17 *s.* as a compensation for the risk it encounters by the responsibility which would appear to be entailed on it from its participation in the profits, and its assumption of the management of the institution.

There is also a proctor and notary employed by the Board, but he is paid by fees from the borrowers of money, according to an established scale.

The properties which are tendered as securities for loans are appraised by the head clerk and the conicoply, who are paid by the borrowers at the rate of $\frac{1}{2}$ per cent. upon the amount borrowed. This appears to us, in all respects, an objectionable arrangement. There does not seem to be any necessity for retaining a conicoply at all on the establishment, and under any circumstances he is not the sort of person who should be employed to appraise properties. The payments made and the money received by the Loan Board pass altogether through the Treasury; and the employment of a conicoply cannot, we think, be more necessary here than in the savings bank, where there are an immense number of small receipts and payments to be continually made. We object also to the employment of a paid Commissioner sitting with other unpaid ones, an arrangement which is sure to involve in practice neglect on the part of the unpaid Commissioners, and an undue share of control on the part of the paid one.

We therefore recommend that the constitution of the Loan Board be remodelled as follows:—

That the Board of Commissioners be enlarged, and consist of five members, viz., the Queen's Advocate, the Treasurer, the Auditor-general, the Government Agent for the Western Province, and the Assistant Colonial Secretary, any three members of which Board shall form a quorum for the transaction of business, and none of whom shall receive any pay. We further recommend that the paid establishment consist of one secretary to the Commission in lieu of the present paid Commissioner, which secretary shall receive 120 *l.* per annum; two clerks, one at 75 *l.*, the other at 40 *l.* per annum; and one messenger at 10 *l.* 18 *s.*

We further recommend that the accounts of the institution be regularly audited and passed, and that a report on its progress and actual position be annually transmitted to Government.

With respect to the interest on monies deposited, we recommend that it be reduced to the same amount as that allowed by the savings bank, viz., 6 per cent., and that the present amount of so-called surplus fund hitherto invested in the same description of securities as the monies which it is designed to protect be held as a deposit by Government, without payment of interest. We recommend also that the future profits arising from the difference of 1 per cent. between the rate of interest paid by borrowers and the rate of interest received by the depositors be divided into two equal parts, one moiety to be paid into the general revenue, as a compensation to Government for the expense and responsibility of its superintendence, the other moiety to be added to the amount of the present

present Surplus Fund, and with it to be held as a deposit by Government, without payment of interest.

This arrangement will of course bear only upon that portion of the whole monies at present under the administration of the Loan Board which arises from suitors' deposits and intestate estates. The proceeds of the Pioneers' Fund we have already recommended to be transferred to the savings bank. As we have recommended the reduction of the four divisions of pioneers not on the fixed establishment, we have only to add that the money contributed by these four divisions should be returned to the respective contributors, with interest at the rate of 6 per cent. from the respective dates of payment.

Of the Wees-Kammer and Boedel-Kammer Funds we have already recommended the transfer to the general revenue.

Finally, we recommend that all bonds which have hitherto been executed on unstamped paper be in future stamped, the stamps being charged to the borrowers, and that all unstamped bonds be called in, and new ones substituted, bearing stamps.

In addition to the mortgage bond already in use, the parties borrowing might be required to execute a bond on stamped paper to confess judgment, in order to facilitate the recovery of the debt by summary process.

There is every reason to believe that a not inconsiderable addition to the receipts from stamps would result from the future use of them in the manner indicated, and there appears to us to be no reason why loans from a public institution should be exempted from the charges which fall on loans contracted with private individuals.

CUSTOMS DEPARTMENT.

Customs Department.

This branch of the public service is not, strictly speaking, at present under the direct control of the Colonial Government, the higher officers being appointed by the Board of Customs in England, and acting under instructions from the said Board. As, however, the whole revenue collected by them is paid into the Colonial Treasury, and as we understand that measures are even now in contemplation for placing the whole executive machinery of the department under the control of the local Government (a step which, considering the great utility of the control exercised by the Board of Customs in England, and the advantage of having superior officers in this department regularly trained to its service, we are by no means prepared ourselves to recommend), we venture to offer such suggestions as have occurred to us, as the result of our inquiries into its constitution and working.

We may preface our remarks with the general observation that this of all departments of the public service is the one in which the least amount of reduction is naturally to be anticipated. The collection of a revenue of Customs is a task which cannot be performed efficiently without a vigorous and well-paid body of officers, and it would be poor economy indeed which would risk the impairing of that efficiency for the risk of a trifling saving. Such reductions, too, as were feasible appear to have been already carried out by orders of the Board of Customs in England, whose attention has lately been turned seriously to this subject, and it remains for us only to make a brief recapitulation of the different branches of the establishment in the island, and to suggest a few minor changes.

The establishments of Customs in the island are at present divided into four provinces—the northern, southern, eastern, and western. The Western Province, with which, as the most considerable, we may most properly begin, extends along the western coast of the island from Barbaryn, on the south, to the mouth of the Moderegum River, beyond Calpeutyn, on the north. Its principal establishment is at Colombo, where there is a collector at 1,000 *l.* per annum, and a controller at 750 *l.* The successors of these two officers are, however, by orders of the Board of Customs, to receive, the one 800 *l.*, the other 550 *l.* a year. There are six clerks attached to the collector, the first of whom, a European, receives 300 *l.* a year, the united salaries of the others amounting to 410 *l.* The controller has also two clerks, one at 150 *l.*, the other at 70 *l.* There is also a cashier, at 120 *l.*; six landing-waiters and searchers, with salaries amounting to 420 *l.*; three tide surveyors, at 30 *l.* each; two weighers, at 24 *l.* each; one head tidewater, at 18 *l.*; and eighteen tidewaiters, at 12 *l.* each; also a cloth taxer, at 60 *l.*, with two assistants, one at 40 *l.*, the other at 20 *l.*, the latter of whom, we are informed by the acting head of the department, may be dispensed with. After a most careful examination, we are not of opinion that this establishment would admit of any reduction beyond the trifling one which we have just noted. Indeed, in seasons when, owing to the peculiar causes which affect the navigation of Indian seas, there is a great press of business for a few weeks or months in the port, it becomes necessary to engage extra hands, to assist the officers on the fixed establishment.

The want of an efficient European landing-surveyor, or head landing-waiter, to superintend the offices of the out-door department, is one that has been much felt. We are not prepared, in the present state of the Customs' arrangements, to offer any definite recommendation with regard to this want; but if, as appears probable, the superintendence of the department be transferred to the local Government, and the accounts audited exclusively by the Auditor-General, the present office of controller may then be dispensed with, and in his stead an European landing-surveyor or landing-waiter appointed, at a somewhat lower salary, say 300 *l.* a year as landing-surveyor, or 200 *l.* as landing-waiter.

At Pantuxa there is an establishment consisting of one sub-collector, one landing-waiter,

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waiter, one shroff and taxer, and two tidewaiters, besides an extra preventive officer and an extra tidewaiter, who are paid during six months of the year. The whole annual expense of this establishment is 222 *l.* 15 *s.*, and we have no reduction to suggest in it.

At Caltura, Barbaryn, Negombo, and Calpeutyn, there are also establishments of similar dimensions, and about the same average expense, and respecting which we have also no suggestions to make. At Chilaw there is no establishment, but we observe a sum of 36 *l.* drawn annually by a supervisor, who, we are informed, performs no duties connected with this department. The post should therefore be abolished, and the individual holding it might be placed on a retiring allowance, to which, we understand, his length of service entitles him.

In the Southern Province the principal Customs establishment is at Galle, where there is a collector, at 600 *l.* a year; one landing and tide surveyor, at 300 *l.*; three clerks, whose salaries amount to 240 *l.* per annum; one shroff, at 60 *l.*; and an out-door establishment of landing and tidewaiters, costing 270 *l.* 1 *s.* No reduction, we apprehend, can be made at this port.

The other ports in the Southern Province at which Customs establishments are kept up are Dodaudoewe-modere, Ballipitty-modere, Belligam, and Ganduiah, the cost of which establishments, according to the schedule for the current year, is 551 *l.* 12 *s.* 6 *d.* As the practice of smuggling has been carried to a great extent in this province, we cannot recommend any diminution of these preventive establishments. It has, however, been suggested to us that a saving might be effected in the Customs establishment in this province by making the Government agent collector of Customs, without any extra pay, in the same manner as those of Jaffna and Trincomalie. There are great advantages in all the provinces in placing the Customs, like every other branch of revenue administration, under the immediate charge of the principal officer of Government. At Colombo, however, the magnitude of the transactions certainly requires a separate head to this establishment, and we are inclined to think also at Galle. But if this suggestion be adopted, we would recommend 200 *l.* out of the sum saved by this arrangement be devoted to the employment of an active European landing-waiter.

In the Eastern and Northern Provinces the Government agents of Trincomalie and Jaffna are, *ex-officio*, the collectors of Customs for their respective provinces, without receiving any extra pay on this head.

At Trincomalie there is also a sub-collector, at 225 *l.* a year; one clerk and warehouse-keeper, at 60 *l.*; one landing-waiter, at 50 *l.*; one shroff and taxer, at 30 *l.*; and six tidewaiters, whose joint salaries amount to 57 *l.* a year. This establishment might, we think, be reduced. The amount of duties collected is but small, and the cutcherry establishment, with but slight addition, ought to suffice for their collection. We would therefore suggest that the posts of sub-collector, of clerk and warehouse-keeper, and of shroff, be abolished, the duties of the former being imposed on the assistant agent, and those of the two latter on the second clerk and the shroff of the cutcherry. This would effect a saving of 315 *l.* a year. The only other Customs establishment in the Eastern Province is at Batticaloa, where the assistant agent acts as collector, without extra pay, there being also a preventive officer at 40 *l.*, and three tidewaiters, costing 28 *l.* 16 *s.* a year. The receipts of this port are very small, but as the expenditure is also inconsiderable, and the place of rising importance, we do not recommend any reduction. But we suggest that strict instructions be given to the assistant agent to turn to the best account the establishment under his superintendence, as we have been informed that the imports into this port are on the increase, and require to be carefully watched, to prevent fraud on the revenue.

In the Northern Province the Government agent at Jaffna is also collector of Customs, without any additional salary in that capacity. There is also a controller at that port, with a salary of 550 *l.* a year; a sub-collector, at 200 *l.* a year; one clerk to the controller, at 50 *l.* a year; three clerks, whose united salaries amount to 180 *l.*; one shroff, at 48 *l.*; two landing-waiters, at 50 *l.* each; ten tidewaiters, with salaries amounting together to 93 *l.*; one bookbinder, at 4 *l.* 10 *s.*; three messengers, at 6 *l.* each; one office-sweeper, at 2 *l.* 5 *s.*; and two boatmen, at 5 *l.* 8 *s.* each.

At the sub-port of Kaits the establishment consists of three searchers, at 50 *l.* each, and six tidewaiters, costing 57 *l.* This establishment appears to us large in proportion to the receipts of the port. We find that in the year ending 5th January last the total receipts on account of Customs at Jaffna, including the sub-ports of Kaits, amounted to 4,951 *l.* 12 *s.* 8 *d.*; the expenditure for the same period, including contingencies, being 1,542 *l.* 15 *s.*, or a proportion of 31 per cent. on the receipts; and in the whole Northern Province, for the same period, the expenditure for that year was at the rate of 24 $\frac{1}{2}$ per cent. on the receipts. There is a considerably larger proportion than in any other province, the cost of collection of the Customs revenue being, in the Western, Southern, and Eastern Provinces, 5 $\frac{1}{2}$ per cent., 17 $\frac{2}{10}$ per cent., and 18 per cent. respectively, and the total cost in the whole island amounting to 8 $\frac{3}{8}$ per cent. on the gross revenue of Customs. These calculations are made on the returns for the year ending 5th January last, but on an average of the last three years the cost of collection appears to be only 7 per cent. on the revenue; but the abolition of the export duties on all articles except cinnamon, which came into operation on the 1st of September last, of course increasing the proportion of expenditure to receipts.

With respect to the establishment of the port of Jaffna, we think from inquiries made

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on the spot, that one clerk at 40 *l.*, and one landing-waiter at 50 *l.*, may be dispensed with. And we concur in the recommendation made by the late controller, that there should be a sub-collector at Kaits, with a salary of 100 *l.* a year, in lieu of two searchers at 50 *l.* each; the great importance of that place, which is in fact the entrance of the Port of Jaffna itself, rendering it advisable that there should be an officer of higher grade and responsibility on the spot. We think also that the sub-collector at Jaffna, who at present receives a salary of 200 *l.* a year, might more properly be charged with the duties of a landing-surveyor, thus carrying out here the recommendation we have offered throughout, whenever it appeared practicable, that there should be one European superintendent of the out-door business of the port.

The other establishments of Customs in the Northern Province, are at Point Pedro, Wallewetty Torre, and Manaar.

At Point Pedro, a place of considerable trade (the receipts in the past year having amounted to 3,584 *l.* 18 *s.* 9 *d.*), there is a sub-collector at 120 *l.* a year, a landing-waiter at 50 *l.*; a shroff and taxer at 30 *l.*; nine tidewaiters, costing together 48 *l.*; one bookbinder at 18 *s.*; one boat-maker, with one Lascar, costing 8 *l.* 2 *s.*; and one office sweeper at 9 *s.* At Wallewetty Torre is one landing-waiter at 50 *l.* a year; but as there is no other establishment, he may more properly be considered as a preventive officer belonging to the station at Point Pedro. On this establishment we do not consider that there is room for any reduction, consistently with its efficiency.

The establishment at Manaar consists of a sub-collector at 100 *l.* a year; one landing-waiter at 50 *l.*; one shroff and taxer at 24 *l.*; five tidewaiters, costing together 48 *l.* per annum; and one bookbinder at 1 *l.* 10 *s.* There is also a bar establishment, consisting of two searchers at 20 *l.* each, and four rowers at 6 *l.* each.

We think that the landing-waiter at Manaar might be discontinued, the establishment being sufficiently large without him, and its cost disproportionate to the revenue collected, to a larger extent than any other in the province.

In the year ending 5th January last, the receipts were 648 *l.* 2 *s.* 2 *d.*; and the expenditure, including contingencies, 321 *l.* 1 *s.* 9 *d.*, being within a fraction of 60 per cent.

We are of opinion also, that out of the savings effected in this province it would be desirable to make provision for a sub-collector at Tallemanaar, a measure which has already been recommended by the collector, and approved by the Board of Customs. A number of native vessels arrive there during the season with Coolies and cattle, the Tindals of which are obliged to go to Manaar to enter and clear their vessels, a distance of 36 miles, which they have to travel on foot. A salary of from 50 *l.* to 75 *l.* a year might be assigned to this officer, who might also be empowered to act as protector of Malabar Coolies.

MASTER ATTENDANT'S DEPARTMENT.

Master Attendant's
Department.

In each of the three ports of Colombo, Galle, and Trincomalie, there is kept up at the expense of the colony a master attendant's department, the head of which is paid at Colombo 700 *l.* a year, at Galle 500 *l.*, and at Trincomalie 400 *l.* There is at Colombo an assistant master attendant, with a salary of 135 *l.* a year; and the total cost of the three establishments, as borne on the estimates for the current year, is reckoned at 3,040 *l.* 17 *s.*

The duties of these officers are of the nature of those imposed on harbour-masters in the ports of Great Britain; and there appears to be a very general impression, especially among the merchants of Ceylon, that their emoluments, and the expense of their establishments, are greatly disproportioned to their utility and practical results. Various suggestions have been made to us with a view to reductions in this department, amongst others, a transfer of their duties to the Customs department, or the substitution of mere harbour-masters or head pilots at each port for the present heads of department.

The present designation of master attendant is borrowed from the service of the East India Company, and signifies, according to the definition of the present master attendant of Colombo, in a paper laid before the Committee, "a master mariner in attendance at the seat of the Government of Ceylon, its naval adviser on all points connected with the sea, with shipping, and with navigation, to take charge of and to direct all matters and things of a marine character belonging to the Government, to survey ships for the conveyance of troops and public stores, and to do, or cause to be done, every other public service connected with, or conducted on the sea." It is obvious, however, that this definition cannot, in all its parts, be considered applicable to all the masters attendant. The head of the establishment at Colombo is also *ex-officio* inspector, and supervisor of pearl banks, a duty which for the last few years has, through the failure of that source of extraordinary revenue, become almost a sinecure, and, it is feared, is likely for some time to continue so. He also performs the duty of surveying and admeasuring vessels for registry, which should properly fall on the officers of the Customs.

Without going the lengths of those who would abolish this department altogether, or hand it over to the officers of Customs, with whose proper duties we think it would not be fairly compatible, we are of opinion that it is one in which considerable reductions may be made without detriment to the public service.

We see no reason for keeping up at the Port of Colombo so expensive an establishment as the present one. It has been proved by experience that the business of the port could be carried on sufficiently well by the assistant master attendant during the absence of the principal. The pearl fishery, as we have stated, is not likely, for some time to come, to require or remunerate the supervision of a highly-paid and responsible officer, and the

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duty of admeasuring vessels when necessary is one which elsewhere devolves on the officers of Customs. We think that under present circumstances the Government of Ceylon may be able to dispense with those general services of a marine character which are alluded to by the present master attendant, the nature of which does not very clearly appear, but which do not seem to us to be required by the Government of a colonial dependency. We therefore recommend that the name and office of master attendant at Colombo be exchanged for that of harbour-master, with a salary of 200 *l.* a year; that the office of assistant master attendant be abolished, and that the rest of the establishment consist of one clerk at 36 *l.* a year as at present; two pilots and boatswains at 31 *l.* 10 *s.* each; two coxswains at 15 *l.* 6 *s.* each; 16 boatmen at 10 *l.* 16 *s.* each; two keepers of the lighthouse, one at 20 *l.*, and one at 12 *l.* per annum; and one lamplighter at 4 *l.* 10 *s.* We further recommend that the duty of admeasuring vessels at Colombo be transferred to the Customs department, and that the pearl banks be placed under the supervision of the Government agent for the Northern Province, subject to such further regulations as their state and prospect may from time to time render necessary.

The Port of Galle, as being the great rendezvous of the Peninsular and Oriental Company's steamers requires, we think, an officer of experience and ability to preside over this department, but as we deem it advisable to alter the designation of master attendant, so as to obviate misapprehension as to the duties of the office, we recommend that the officer now in charge of the department be continued under the name of captain of the port, an appellation which will more clearly define its peculiar requirements, and exclude the more general definition above quoted.

The present salary of the master attendant at Galle is 500 *l.* a year; but as he has been allowed by the Government to hold the office also of agent to the Peninsular and Oriental Steam Navigation Company, to which separate emoluments are attached, we are of opinion that his salary as captain of the port should be reduced to 400 *l.* a year, and that this sum should be fixed for the future salary of the office, whether held separately or conjointly with that of agent to the Peninsular and Oriental Company. This recommendation is in accordance with the expression of opinion made to us on behalf of the Chamber of Commerce of Colombo, from the members of which various complaints have from time to time emanated against the union of these two offices in the same person. We have not been able to discover that any practical inconvenience has arisen from this arrangement, or that the master attendant has allowed the duties of his private to interfere with those of his public service; but we agree in the remark that has been made in evidence before us, that if he is allowed to devote a part of his time to the remunerated service of a private company, this is a valid reason for making some diminution of his official emoluments.

There are at present on the establishment at Galle three pilots paid by the Government, one at 22 *l.* 19 *s.* per annum, and the two others at 18 *l.* 18 *s.*, who are in receipt also of certain pilotage fees. As we understand from inquiries on the spot that these fees are considerable (amounting last year to more than 700 *l.*), we recommend that the salaries of the said three pilots be discontinued. The establishment we would leave in other respects as it at present stands, viz., one boatswain at 16 *l.* 13 *s.*; one carpenter at 18 *l.* 2 *s.*; two quartermasters at 11 *l.* 14 *s.*; one signalman at 13 *l.* 10 *s.*; 16 boatmen at 10 *l.* 16 *s.* each; one lighthouse-keeper at 20 *l.*; and two assistants at 12 *l.* each.

The establishment at Trincomalie we recommend to be discontinued altogether. The trade of that port is so very unimportant that we see no reason for keeping up any harbour-master on that account only, and we cannot learn that the ships of war who occasionally frequent it are at all benefited by or require the services of the master attendant.

GOVERNMENT STEAMER "SEAFORTH."

Government
Steamer
"Seaforth."

This vessel was originally built in the year 1840 to serve as a guardship for the pearl fishery, to watch and visit the banks, and afford a means of rapid communication between different ports of the island. The prospects of a pearl fishery having, however, become less and less promising soon after her construction, and there being no opportunity of making her available on that service, she was used from 1841 as a mail steamer to convey letters and passengers by the bi-monthly mail between Colombo and Bombay, and there being then no other steamer on that line, her annual expense was considerably lessened by the amount of passage-money and freight which was produced by her trips between those two ports. Of late, however, the Peninsular and Oriental Company have run regular steam packets between Galle and Bombay, and another private company also run vessels from Bombay to Galle and Colombo and back. The competition from these sources so completely destroyed all the incidental profits of the "Seaforth," that she was withdrawn last year from the line, and has now no fixed or regular destination beyond such casual uses in the conveyance of treasures, stores, &c., from one part of the island to another, as the public service may from time to time require. Her establishment consists of one commander at 200 *l.* a year; one first officer at 100 *l.*, and two officers at 60 *l.* a year; one boatswain at 36 *l.*; one carpenter at 42 *l.*; two quartermasters at 25 *l.* 4 *s.* each; four seamen at 18 *l.* each; four first-class boys at 12 *l.* 4 *s.*, second-class boys at 9 *l.*; one steward at 24 *l.*; one cook at 18 *l.*; and one bandary at 15 *l.* There is also on the establishment an engineer at 300 *l.* a year; an assistant engineer at 120 *l.*; one boiler-maker at 150 *l.*; seven stokers, costing 184 *l.* 16 *s.*; and five coal-trimmers, costing 60 *l.*; these last two items being entered on the schedules as "provisional and temporary."

temporary." These sums amount together to 1,616 *l.* 4*s.*, to which must be added the charges for coals, stores, and other incidental expenses, an amount which of course fluctuates with the services performed in each year. During the years in which she ran regularly as a packet between Colombo and Bombay her gross expense amounted, on an average, to about 4,000 *l.* a year.

Now that all remunerative returns for this outlay have ceased, it becomes a question how far it is advisable to keep up the establishment and incur a certain annual expense without any certainty of return, or even of occupation for the vessel on the public service.

If any opportunity should present itself of selling the "Seaforth" at a reasonable price we should incline to recommend her being disposed of, but as no such opportunity seems likely to occur, and as, moreover, we think that there are uses to which she might with advantage be applied, we do not advise any present reduction of an establishment which it would be difficult hereafter to replace.

The revival of the important branch of casual revenue derived from the pearl fishery, though not a probable or immediate, is yet a possible contingency, and one for which the Government should not be unprepared. We think it also of importance, in a part of the world where the navigation by sailing-vessels is rendered so uncertain by the monsoons, that there should be a steamer at the disposal of the Government, to be used in any emergency for the conveyance of troops, or of treasure, or any similar service.

It has also been contemplated, we believe from time to time, to convert this vessel into a regular Government packet to sail constantly round the island, touching at all the principal ports, and carrying passengers and light freight. Her tonnage is not sufficiently great to enable her to carry heavy goods, and we have not data enough to enable us to form a judgment as to the degree of remuneration to be expected from her application to this service; but we think the system might fairly be tried for a given length of time, say 12 months, and continued or abandoned, according to its success.

On the whole, though we think the strictest economy should be used in incurring the contingent charges of this vessel, we are not prepared to recommend any changes in her fixed establishment.

THE POST OFFICE DEPARTMENT,

The Post Office
Department.

is also one in which, after minute examination, we have no material reductions to suggest. It is presided over by a postmaster-general, at a salary of 700 *l.* a year, with an annual increase up to 850 *l.*, and who also receives from the General Post Office in England an additional salary of 200 *l.* a year. He is assisted at Colombo by a deputy postmaster-general, with a salary of 150 *l.* a year. In the other provinces, with the exception of the Central, the duties of deputy postmaster-general are performed gratuitously by the Government agents. At Kandy there is a deputy postmaster-general, who receives a salary of 150 *l.* a year. The remaining salaries, and other expenses of the department throughout the island, will be found fully set forth in the schedules accompanying this Report. The total expenditure for the current year is estimated at 7,042 *l.* 7*s.* 3*d.*, and as the revenue from postage is estimated for the same year at 7,000 *l.*, it follows that the establishment just pays itself. We think this by no means an unsatisfactory result, in an island so large, and with a population so scattered, and in which the natives, being little accustomed to avail themselves of this method of communication, contribute but little to the revenue derived from it. But it must be borne in mind that the whole official correspondence of the island is carried on through this department without any charge.

The rate of pay of the inferior officers of this department we think extremely moderate. The only reductions we have to suggest are the fixation of the salary of the postmaster-general, agreeably to the rule we have already recommended of discontinuing the practice of annual augmentations. The officer at present at the head of the department, whose activity in the discharge of his duties is too well known to need further comment, we think should remain in possession of his actual salary, which has been raised within the last two years from 550 *l.* per annum. But we recommend that in future the postmaster-general receive a salary of 550 *l.* a year, which, with the 200 *l.* received from the Home Government, will give him an income of 750 *l.* a year. We also think that the two offices of deputy postmaster-general at Colombo and at Kandy might be abolished, and the duties of the former be performed by the postmaster-general, those of the latter, as in the other provinces of the island, by the Government agent.

THE AGENTS OF PROVINCES.

The Agents of
Provinces.

The class of establishments to which we have next turned our attention is that of the Government agents.

The Island of Ceylon is divided into six agencies or provinces, denominated from their geographical position the Western, North-western, Southern, Eastern, Northern, and Central. Of these, the second, viz., the North-western Province, is of very recent formation, having been constituted out of a part of the Western Province, and erected into a separate agency in the year 1845. The grounds assigned for that proceeding were the importance of its chief seat, Putlam, on account of its revenue from salt, and the expediency, on political grounds, of separating the old Kandyan provinces from one another, and breaking up their political unity, which it was conceived would be effected to a great

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degree by the junction of the important Kandyan district of the Seven Korles to the newly-created agency of Putlam. These grounds do not appear to us to be of sufficient strength to warrant our recommending the continuance of this experiment. We conceive that by placing an active assistant agent at Putlam, and another at Kornegalle, and subordinating them to the Government agents for the Western and Central Provinces, the ends aimed at in the last division of provinces would have been attained without the creation of a new province. The population of the district so constituted into a separate agency amounts, according to the last returns, to less than 200,000 souls. It is situated within an easy distance of Colombo, and the communication between that place and its two principal towns, Kornegalle and Putlam, is now expeditious and secure by means of good roads. The new arrangement, on the contrary, was so essentially defective in this point of internal communication, that till within the last few months the correspondence between the assistant agent at Kornegalle and his principal, the agent at Putlam, was carried on through Colombo. The political motive for the creation of a new province seems to us wholly insufficient, for we think the evils to be apprehended from the continuance of an exclusive nationality in the Kandyan district of the Seven Korles much more likely to be felt, if that district remains as at present an important portion of a separate province, than if merged in another.

With respect to the other assigned reason for the change, viz., the importance of Putlam as a salt station, we do not find any signs of Putlam having increased materially in importance, nor can we learn that any considerable improvements evidenced in results have been made in the management of the salt revenue since that place has been made the chief town of a new province. Moreover, this consideration is not in itself a sufficient reason for the maintenance of the existing arrangement, as much of what is required does not need for its realization the residence on the spot of the person who should act as the head adviser and controller of the proceedings in that branch of revenue.

We, therefore, recommend that the present North-western Province be united to the Western and Central Provinces, the agent at Putlam being made an assistant agent to the Government agent of the Western Province, and the assistant-agent at Kornegalle being placed under the Government agent for the Central Province.

Our reasons for recommending that this district of the Seven Korles, of which Kornegalle is the chief town, be united rather to the Central than to the Western Province, are, 1st., That as regards geographical position, this district seems naturally to belong to the Central Province, which province, with this addition, would not be unwieldy either in area or in population, the present population of the Central Province being 184,776, and with the proposed addition of the Seven Korles district, 323,403. In point of population, therefore, the Central Province, even with the addition of the Seven Korles district, would still be inferior to the Western. Another reason for adding this district to the Central Province rather than to the Western, to which it formerly belonged, is that at the time of its detachment from that province the district of Saffragam was added to that province in its stead, and considering that the agent of the Western Province is a member of the Legislative Council, and also that, as agent for Coimbo, he has peculiar duties to perform which other Government agents have not, we think it would not be advisable to make so large an addition to his province as the junction of the Seven Korles district would effect.

To the real or supposed necessity for breaking up the union of the Kandyan provinces we are not disposed to attach great importance. We are of opinion, on the contrary, that the nationality of the Kandians must be looked upon as a fact, and as such must be directly met and provided for by such governmental and administrative machinery as may suit the peculiar requirements of the Kandyan country.

Another change that we recommend in the existing provincial division of the island is the re-constitution of the present Eastern Province, of which Trincomalie is the chief seat. In its present form this district is not of sufficient importance to constitute a province apart. The population by the last returns was under 70,000 souls, and its gross revenue for the past year was only 15,503 *l.* 8 *s.* 10 $\frac{1}{2}$ *d.* At the same time its area, viz., 4,753 square miles, is so large, that it would not be possible to attach it to any other province. The Northern Province, to which alone it could be united, is already equal in area to nearly one-fourth part of the whole island, and by this addition its area would be raised from 5,427 square miles to 10,180 square miles, approaching to a half of the island.

It may, perhaps, be a fitting place here to remark, that we do not by any means consider that questions of this kind should be determined by area alone. Area, population, and revenue are all obvious and necessary elements of consideration in all proposed arrangements or modifications of territorial boundary and revision, though, as regards revenue especially, little can be concluded from its mere amount, irrespective of its peculiar nature, as for instance, an arrack rent sold once for all annually for a large sum, and a revenue derived mainly from grain requiring constant attention to minute details.

Another essential element of consideration in determining these provincial boundaries, is the extent of the agent's own peculiar district which is under his immediate superintendence. The extent and character of this peculiar district must materially affect the ability of the agent to attend properly to an extensive province. From the Table (B.) appended to this Report, it may be seen that the Western and the Northern Provinces are peculiar in this respect, the agent's own district, even in the Northern, having nearly double the population of that of any of the others, and that of the Western exceeding the entire population of any other province.

This seems to us a reason for not making any unnecessary addition to either of those two provinces.

At the same time it is too great a sacrifice to make to maintain the Eastern Province as it now stands. There is clearly, however, no choice between annexing the Eastern to the Northern Province, and maintaining the Eastern as a separate province, since from its size and geographical position it could not be absorbed in any other province or provinces. Having already pointed out the objections to its annexation to the Northern Province, it remains for us therefore only to consider whether some better arrangement as to the Eastern Province might not be made in order to get rid of the anomaly noticed above, and as there must be an agency and a separate province to get some adequate return for its charge.

In this case also, as in that of the Seven Korles, a glance at the map seems to be the readiest solution of the difficulty, and to indicate as the most natural arrangement the separation of the district of Muverakalawiya from the Northern and its annexation to the Eastern Province.

The reasons why this was not originally done we conceive to have been somewhat of a casual or accidental nature, rather than of a comprehensive character and of permanent application. Few persons at that time knew anything of the district of Muverakalawiya, and it was considered quite blocked up and inaccessible. From Trincomalie, in particular, no European ever thought of going into it. Under these circumstances the opening of a road from Annaradjapoorra to Aripo in 1831 and 1832, just previous to the arrangement of the present division of provinces, seemed to connect the district with Manaar, and the project even then broached of running a road through the Taniel Wanny, and through Muverakalawiya to Kandy, also tended to give to it a seeming connexion with the Wanny, and consequently with the northern part of the island generally.

From Jaffna, however, the capital of the Northern Province, to the nearest part of Muverakalawiya is by the road 95 miles, while the extreme part of it is not that distance from Trincomalie. The extremity of Muverakalawiya, on the other hand, is from Jaffna 165 or 170 miles.

There are many other considerations also in favour of this arrangement. The eastern part of the district, that nearest to Trincomalie, is the finest part of it; next in importance is the southern, peculiarly accessible from Trincomalie by the Kandy road, and the western. The most distant is the most unimportant of all. A grave consideration, also, with reference to the Road Ordinance is, that while there is not any sufficient population in the district of the Eastern Province adjoining the Kandy road (Tamankaduwa) to provide properly for that road, there is a numerous population all along the other side of the road in Muverakalawiya which is not available for the road as not being in the same province with it, no part of the road, with the exception of a very few miles, being in Muverakalawiya.

From all these considerations we recommend that Muverakalawiya be included in the Eastern Province.

Already the people of Muverakalawiya resort to Trincomalie for salt, and for other purposes of trade and business, and a steady adherence to the system which has been followed for some years of opening up roads through this district would, we are of opinion, lead to a material increase of this intercourse. Taking Annaradjapoorra as the centre, there are already roads opened from it to Trincomalie, to Jaffna, to Kandy, to Putlam, and to Manaar. With the exception of that of Putlam, which is unfinished at that end, these roads are all passable for carts, and with the labour under the Road Ordinance, provision may be made for keeping them so, and for gradually improving them, as also for opening up some cross roads between them which have already been designed.

As a great part of the border of the district is within 20 or 25 miles of Trincomalie, the agent for the Eastern Province, whose own peculiar district is so small, might be able to devote much of his attention to it, and possibly hereafter, as the means of communication especially were improved, a part of the Muverakalawiya district might be detached from that assistant agency and made part of the agent's own district. This is, however, a measure which we would not by any means recommend at first, or at any time without great caution and deliberation. The people generally are so extremely averse to such internal alterations of boundaries and relations of districts, that it should never be resorted to without the strongest reasons.

Thus constituted the Eastern Province will be in area the largest of all, containing 7,705 square miles, though its population will still be far less than that of any other province, amounting to 114,274 souls. It must, however, still be borne in mind, that the agent's own peculiar district will still be very small, containing only 14,650 souls. The Eastern Province, in its new limits, will also be sufficiently compact. Already a road is in progress of being traced from Batticaloa to strike the Kandy road at a point of intersection in the district of Tamankadoowe, and if this road be carried on it will form, when extended to Annaradjapoorra, nearly a straight line from Batticaloa to Manaar, in other words, to the continent of India. This road will, if completed, add greatly to the compactness of the province.

The Northern Province will, by this arrangement, be left the smallest of all in area except the Southern, but it will be still nearly as large as the present Western Province. The districts of the Wanny and Manaar, which will remain to the Northern Province, are 2,318 square miles in extent, and as they are tank countries they will, with the addition of his own district, afford sufficient employment for the agent for that province, who

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under the present arrangement can hardly be supposed, even physically, capable of effectively superintending the large province of Muverakalawiya in addition to the rest.

A consideration of much weight in determining our opinions on questions of this nature is the importance of providing adequately for efficient government in those wilder parts of the country, which have hitherto been too much neglected. The northern part of the Seven Korles, the southern of Muverakalawiya, great part of Matelle, and the adjoining district of Tamankaduwe, all come within this description, and all require much increased attention. They are mostly poor countries, and their revenue inadequate to meet the expenses required to be incurred in respect to them. The necessity for making sacrifices of this kind has not hitherto been sufficiently admitted, and we think that in thus calling attention to those remoter districts of the island we may be permitted to overstep the merely financial limits of our inquiry, and point out the social importance of duly providing for their wants, as far as this can be done by any administrative arrangements.

The modifications and retrenchments rendered feasible by this proposed reduction of the six provinces to five, we shall proceed to specify as we treat separately of each province; and, first, of the

Western Province.

WESTERN PROVINCE.

This province, as it is the most important of all, has also the most expensive establishment, estimated for the current year at 8,962 *l.* 8 *s.* Its population, exclusive of military, is given in the last returns 459,197 souls. Its area 3,820 square miles. By the proposed fusion of a part of the North-western Province with this one, the New Western Province will contain a population of 499,678 souls in an area of 4,154 square miles.

The present establishment of the Western Province will be found fully set forth in the schedule accompanying this Report. The following are the modifications we recommend in it:—

We propose that the Government agent retain his present salary of 1,500 *l.* per annum. We recommend that one resident assistant be allowed at Colombo, with a salary of 400 *l.* a year, as at present; and that the assistant agencies in this province consist of Putlam, Kaigalle, and Ratnapoora, the former at 550 *l.*, and the two latter at 750 *l.* a year. Instead of 10 clerks as at present allowed on the fixed establishment of the Colombo cutcherry, with salaries amounting together to 835 *l.*, we recommend that there be attached permanently to the office six clerks for general business, one at 200 *l.* a year, one at 120 *l.*, two at 90 *l.*, and two at 50 *l.* The two paid volunteer clerks, who now receive 12 *l.* a year each, may be struck off. We have satisfied ourselves by personal inspection and inquiry that the business of the cutcherry has been so much diminished of late, by the falling off of the sale of lands and the simplification of accounts, as to render this reduction perfectly feasible. The clerk in charge of the charitable and educational business we would leave as he at present stands with a salary of 75 *l.* per annum, as also the Registrar's department and the native writers. But we recommend the discontinuance of the assistant shroff, as we conceive that a shroff and three conicopies ought to be sufficient establishment for the cash transactions of the cutcherry, with the present system of daily payments of all balances into the general treasury.

In the establishment of native headmen under the immediate control of the Government agent for the Western Province, we recommend the discontinuance of the arachy of the Four Gravets, who now receives a salary of 10 *l.* 16 *s.*, and whose services may be dispensed with; of one mohandiram of the southern division of the Aloo-Coor Corle, a saving of 29 *l.* 14 *s.* per annum; and of all the Webadde aratchies and lekams, the duties of these officers having been annulled by the system now practised of selling the Government share of the crops by the agent in person on the spot. Their present salaries amount to 50 *l.* 17 *s.* per annum. We also recommend the suppression of the grain department in the cutcherry, consisting of two translators, with salaries amounting together to 49 *l.* 10 *s.* per annum; and of the cinnamon department, the cost of which at present is 136 *l.* 10 *s.* a year. The work of the first establishment, if any, should be done by the respective translators of the cutcherry, of whom there are three on the fixed establishment; and the cinnamon department has become superfluous since the late leasing of the Government gardens. In the assessment department the extra clerk, with a salary of 27 *l.* a year, may be dispensed with. The allowances still paid to fisher headmen in this province will fall in of themselves; being continued only as pensions to old servants of Government in compensation for loss of emolument on the abolition of the fish tax. The modliar of the Mutwal and Welesere district, with an annual salary of 38 *l.* 5 *s.*, may also be dispensed with, as also the gomerales of Mutwal (13 *l.* 10 *s.*), and the modliar and mohandiram of Calonmoderah (58 *l.* 7 *s.*), those offices being at present absolute sinecures. We further recommend the discontinuance of the services of the assistant interpreter to the Government agent, who at present draws a salary of 38 *l.* 5 *s.* on the provisional and temporary schedules, but whose real occupation, we find, has been not that of an interpreter, but that of a manager of the Government cinnamon gardens, which is now no longer needed. In the arrack department the passport writer, with a salary of 15 *l.*, may also be dispensed with. The office of thombo holder, with a salary of 90 *l.* a year on the provisional and temporary schedule, should also be abolished; the holder of it does nothing, and has been continued merely on the ground of age and length of service;

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we therefore recommend that the office be abolished, and a compensation allowance made to the holder. The mohandiram basnaik nillemk, who receives 28 *l.* 16 *s.* per annum on the same schedule, is also the holder of a sinecure; he is, in fact, the mohandiram of the Queen's House gardens, for which he receives another salary of 14 *l.* 10 *s.* The mineralogical surveyor attached to this department on a temporary salary of 300 *l.* a year is henceforth to be discontinued. The messengers, 20 in number, do not appear susceptible of reduction either in point of numbers or of salary; but we think their present rate of travelling allowance too high; it should be reduced from 9 *d.* a day to 6 *d.* Under the head of allowances to fisher headmen a sum of 363 *l.* 14 *s.* is estimated for in this year's schedule; we think that this amount is susceptible of reduction, and recommend that as the present headmen drop off no more than one headman be retained at each fishing place. The fisher mohandiram and head moorman at Caltura, who are paid under this head, may be discontinued.

KAIGALLE.

Kaigalle.

We have already recommended that the salary of the assistant agent at this place be fixed at 750 *l.* a year, in the case of future appointments. The present holder receives 325 *l.* in his capacity of assistant agent, and an equal sum as police magistrate. For the sake of uniformity and regularity of account, we recommend in this as in all similar cases a change in the system of bringing to account parts of the salary of the same officer on different schedules, on the ground of his performing the duties of different establishments. We propose that in future, whenever an officer in the revenue department presides over other departments also, the whole of his salary be charged to the revenue department only, and his services in the judicial or other branches that he may fill be considered *pro tanto* gratuitous, in the same manner as several of the Government agents at present act as deputy postmasters-general, collectors of customs and fiscals, drawing salary only as Government agents, and appearing without salary in the schedules of the other departments.

In the establishment of the assistant agent at Kaigalle, which will be found in the schedules annexed to the Report, we recommend the reduction of the extra clerk, now receiving 50 *l.* a year, and also of the rest-house keeper at Kaigalle, who is now paid 10 *l.* 16 *s.* a year, there being a further charge incurred by Government of 18 *l.* a year for rent of the rest-house, which is wholly superfluous and should be done away with. We also recommend the reduction of the constable at Ruanwelle as useless; his salary amounts to 7 *l.* 4 *s.* on the fixed establishment, and 6 *l.* 6 *s.* provisional and temporary. The messengers of the rattemahatmeyas, we observe, are unequal both in point of numbers and of pay. We recommend that two only be allowed to each rattemahatmeya, and that the pay be fixed at 9 *l.*

RATNAPOORA.

Ratnapoora.

The pay of the assistant agent at this place we have already proposed to fix as at Kaigalle, at 750 *l.* a year; the present rate of pay for both offices is 550 *l.* a year, with annual augmentations to 650 *l.* We have no further changes to propose in this department, except in the number of messengers to the headmen. Two would be sufficient for each rattemahatmeya at the same rate of pay as at present, viz., 9 *l.* a year; but if a small detachment of troops were stationed at this place, the expense of the two peons guarding the cash chest, 18 *l.* per annum, might also be saved. The reason for the apparent augmentation of salary, which we propose in the case of the assistant agents at Kaigalle and Ratnapoora, will be more fully set forth when we come to treat of the judicial establishments; at present we may merely mention that it is owing to the proposed union of judicial and revenue functions in the person of the assistant agent at those places.

PUTLAM.

Putlam.

We have already proposed that the Government agent at this place be henceforth only an assistant to the Government agent of the Western Province, and that his salary be fixed at 550 *l.* per annum. We recommend further, that the assistant now on this establishment on a salary of 200 *l.* a year be discontinued, as also one clerk at 75 *l.* a year. The rest of the establishments of this assistant agency, which will be found in the schedules attached to this Report, does not seem to call for any further modification.

SOUTHERN PROVINCE.

Southern Province.

The establishment of the Government agent at Galle, the chief place at this province, we propose to leave as it stands at present, with the exception of the resident assistant to the Government agent, to whom, in pursuance of the plan already announced of doing away with the system of augmentations, we would allot a fixed salary of 400 *l.* per annum.

The two assistant agencies of this province are Matura and Hambautotte. In the former we recommend that the assistant agent receive a fixed salary of 750 *l.* per annum, and we recommend the discontinuance of the present assistant shroff, who receives a

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salary of 30*l.* per annum. The salary of the assistant agent at Hambautotte we propose to fix at 550 *l.* per annum, leaving his establishment as at present, with the exception of the assistant shroff, whose services we think may be dispensed with.

Eastern Province.

EASTERN PROVINCE.

The establishment of the Government agent at Trincomalie might appear disproportionate if the province were to retain its present limits. But as we propose to add to it the extensive district of Muverakalawiya, we do not consider it advisable to propose any reductions in this department. The assistant agent, however, we would place as at Galle, on a fixed salary of 400 *l.* a year.

At Batticaloa we would reduce the salary of the assistant agent to 750 *l.* a year, leaving his establishment as at present.

The assistant agent of Muverakalawiya at present attached to the Northern Province, we propose, for the reasons already fully set forth, to transfer to the Eastern Province. We recommend that the assistant agent at Anaradjapoor receive a salary of 750 *l.* a year, his establishment remaining as at present set forth in the schedules of the Northern Province.

Northern Province.

NORTHERN PROVINCE.

The salary of the Government agent at Jaffna is at present 1,500 *l.* per annum, but considering the comparative cheapness of this part of the island, and also the diminished labour and responsibility consequent on the disjunction from his province of the district of Muverakalawiya, we think that the salary of all future Government agents at Jaffna should be fixed at 1,200 *l.* per annum. The resident assistant agent we would put on the same footing as those already enumerated in other provinces, viz., at a fixed salary of 400 *l.* a year. There are at present seven regular clerks, viz., one head clerk at 150 *l.* a year, a second clerk at 100 *l.* a year, one at 80 *l.*, one at 70 *l.*, one at 60 *l.*, one at 50 *l.*, and one at 40 *l.* a year, making altogether a yearly expenditure of 550 *l.* We have ascertained from the head of the department that some reduction may reasonably be made both in the numbers and in the scale of remuneration of this part of the establishment, and we therefore propose that there should in future be allowed six clerks instead of seven, viz., two for the revenue accounts, two for the expenditure accounts, and two for the correspondence and deposit accounts, and that their yearly salaries be 120 *l.*, 90 *l.*, 70 *l.*, 60 *l.*, 50 *l.*, and 40 *l.* respectively. We further recommend, on the same authority, a reduction of 10 *l.* a year in the salary of the shroff. The establishment of interpreters, translators, and native writers in this province appears rather large; but, as has been justly remarked to us by the Government agent, these are the persons who do the real business of the office, in a province so peculiarly native, so devoid of all European elements as this one. The real supervision and control of the revenue and expenditure is exercised through the aid of these persons, in interpreting and translating, including the translation of many accounts sent in, in the Tamul language, by headmen, and others specially employed; and to cramp an agent in assistance of this kind would be to waste his time for want of the data and information necessary to enable him to employ it profitably. The only reductions we are prepared to recommend are that of the first interpreter from 100 *l.* a year to 80 *l.* a year, and the second interpreter from 75 *l.* to 60 *l.* a year. In the other subordinate native officers of this cutcherry we have no further reductions to propose; but as the messengers of the cutcherry appear on the report of the Government agent to be underpaid, and as the inadequacy of their present salaries has been admitted, we would recommend that the head messenger who now receives 10 *l.* 16 *s.* per annum be raised to 12 *l.* per annum, and that of the ten messengers who now receive 6 *l.* each per annum, five to be placed on a salary of 7 *l.* 10 *s.* per annum, and the other five on a salary of 9 *l.* per annum.

Manaar.

MANAAR.

The assistant agent at Manaar, who at present receives a salary of 365 *l.* per annum in his revenue capacity, and a like sum on the judicial abstracts, we think would be sufficiently remunerated with a salary of 550 *l.* per annum. His establishment consists of two clerks, one at 80 *l.* and one at 50 *l.* per annum, whose salaries may be reduced to 70 *l.* and 45 *l.* respectively, of one shroff at 50 *l.*, whose salary may be reduced to 45 *l.*, of one interpreter at 50 *l.*, which may also be reduced to 45 *l.*, and of divers other native officials as set forth in the schedules annexed, and in whose salaries we have no further reduction to suggest, with the exception of the storekeeper, who may be reduced from 40 *l.* to 30 *l.* per annum.

Mulletivoë.

MULLETIVOE.

At this place there is a small establishment presided over by the commissioner of requests and police magistrate, who is also an assistant to the Government agent for the Northern Province, but who is paid entirely on the judicial abstracts. In accordance with the principle already laid down, we recommend that this officer be paid entirely on the revenue abstracts, and that his salary be fixed at 300 *l.* per annum. His establishment consists of one clerk with a salary of 75 *l.* per annum, which may be reduced to 50 *l.* per annum; of one shroff and storekeeper at 40 *l.* per annum, which may be reduced to 36 *l.*;

36 *l.*; of one store-watcher at 5 *l.* 8 *s.*, one salt retailer at 4 *l.* 10 *s.*, one tom-tom beater at 1 *l.* 16 *s.*, two messengers at 4 *l.* 10 *s.* each, whose pay we recommend, for the reasons already stated in treating of this part of the establishment of Jaffna, to be raised to 6 *l.* each per annum, and one rest-house watcher at Ambanum at 4 *l.* 10 *s.* There is also an interpreter at 40 *l.* per annum; but the individual now holding that appointment being quite superannuated, we recommend that he be pensioned, and a writer of Tamul and English be appointed in his place, with a salary of 15 *l.* per annum.

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CENTRAL PROVINCE.

Central Province.

The Government agent for the Central Province, whose residence is at Kandy, receives at present a salary of 1,500 *l.* a year, which we think might be reduced to 1,350 *l.* He has one resident assistant agent with a salary of 450 *l.* a year, whose rate of pay we recommend should be assimilated to that of the other assistant agent, and fixed at 400 *l.* per annum. The present office establishment consists of no less than 10 clerks, viz., one head clerk at 200 *l.* per annum, one clerk at 160 *l.*, one at 140 *l.*, two at 120 *l.*, one at 100 *l.*, one at 80 *l.*, one at 75 *l.*, one at 53 *l.*, and one clerk of the assessment department at 50 *l.* This number of clerks we consider disproportionate to the work required to be performed, and both their number and their higher scale of pay having been sanctioned by the Secretary of State from temporary causes, and with the distinct understanding that reductions should take place both in number and amount as soon as those causes should cease to exist, we cannot recommend their further continuance. We find that in the year 1845 the pay of the head clerk was only 120 *l.* per annum, that of the second clerk 90 *l.*, third clerk 60 *l.*, and of the fourth and fifth 50 *l.* per annum. From a personal examination of the state of the cutcherry, we think that one head clerk and five other clerks would be amply sufficient to get through all the current work of the office, and we recommend that the head clerk be paid 200 *l.* a year, the second clerk 120 *l.*, the third and fourth 90 *l.*, and the fifth and sixth 50 *l.* a year. In this, as in the other provinces, we cannot take upon ourselves to recommend any diminution in the number or emoluments of the native headmen and native servants of Government. We are of opinion, on the contrary, as we shall have occasion to state more fully in treating of the public establishments of the island, that, if possible, it would be expedient to incur even a greater outlay in remunerating the native servants of the Government. We may, however, point out an anomaly in this province in the fact of the first mooliar and interpreter of the cutcherry being paid 75 *l.* per annum, while the second receives a salary of 180 *l.* We are of opinion that one such officer would be sufficient, at 100 *l.* a year.

BADULLA.

Badulla.

The assistant agent at this place we propose to leave at his present rate of salary, viz., 750 *l.* per annum, of course without augmentation. But, as will be seen hereafter, we shall have to recommend that some judicial functions be imposed on him in addition to his present duties. There is nothing in his present establishment which appears to call for particular remark.

KURNEGALLE.

Kurnegalle.

The salary of this assistant agency, which, by our proposed scheme, will now belong to the Central Province, we propose to reduce to 750 *l.* per annum, being the same amount we have fixed for other assistant agencies of the same class. We have no further reductions to propose in the establishment, particulars of which will be found in the schedules attached to this Report.

MATELLE.

Matelle.

At this place the commissioner of the Court of Requests acts also as assistant to the Government agent at Kandy, but he is paid wholly in his former capacity. We recommend that he be transferred to the revenue abstracts at a fixed salary of 550 *l.* per annum. He has no establishment in his revenue capacity, and accounts daily to the Government agent at Kandy for all his transactions in that department.

MUVERA ELLIA.

Muvera Ellia.

At this place there is an assistant Government agent who is also a commissioner of requests and police magistrate, who is paid partly in one capacity and partly in the other. We recommend that his salary be fixed at the present rate, viz., 400 *l.* a year, and be paid entirely on the revenue abstracts. His establishment, consisting of one clerk at 100 *l.* per annum, one conicopy at 40 *l.*, and one messenger at 14 *l.* 12 *s.*, seems not excessive in point of number or emolument.

JUDICIAL ESTABLISHMENT.

Judicial Establishment.

This branch of the public establishments of Ceylon is one which involves a very considerable annual expenditure. The total estimated expense for the fixed judicial

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establishments of the current year amounts to 43,704 *l.* 14 *s.* 3 $\frac{1}{2}$ *d.*, of which 6,730 *l.* to the three judges of the Supreme Court, 3,143 *l.* 8 *s.* to the department of the Queen's Advocate, 1,247 *l.* to that of the Deputy Queen's Advocate, 2,044 *l.* 5 *s.* to the department of the Registrar of the Supreme Court, and 30,540 *l.* 1 *s.* 3 $\frac{1}{2}$ *d.*, to the district judges and other judicial establishments. And to this sum must be added in a general review of judicial expenditure a further sum of 4,695 *l.* 19 *s.*, estimated for under the head of Administration of Justice, of which 2,250 *l.* is set down as circuit expenses of the Supreme Court, and the remainder consists chiefly of expenses of witnesses and other charges of a like nature.

In reviewing the general expenditure of the colony it has naturally been our anxious wish to effect some saving under this head. But we have felt, at the same time, that no duty is more pressing on the Government of an Eastern dependency of the Crown than that of making due provision for the speedy and impartial administration of justice to the people. We have entered therefore on this task in no petty spirit of mere economical retrenchment, but with the hope and even the belief that improvements of a substantive kind in the constitution of the judicial establishments of the colony may be carried out so as to provide for this great end, and at the same time to effect a pecuniary saving also.

The judicial establishments of Ceylon, in their present form and working, are regulated by the Charter of Justice of 1833, which consists, as already noticed in our preliminary remarks, of a Supreme Court, consisting of three judges, all selected from the English or Scottish bar, having original criminal jurisdiction in all cases in which the persons accused are charged with any crime punishable with death, or transportation, or banishment, or imprisonment for more than 12 calendar months, or by whipping exceeding 100 lashes, or by fine exceeding 10 *l.*, and possessing also a supreme appellate jurisdiction over all the courts in the island. The original civil jurisdiction in all pleas, suits, and actions, is vested by the same charter in courts called district courts, which were established throughout the island under its authority; which district courts also possessed a certain limited criminal jurisdiction, not extending to the offences above enumerated. The number of these district courts, under the Charter of 1833, was originally 27; but a modification of the system took place in the year 1845, by which the number of district courts was reduced from 27 to 17, and courts of requests and police courts, having petty civil and criminal jurisdiction, were established in lieu of the suppressed courts. A statement of the former establishment of district judges, and the establishment substituted for it in 1845, will be found in the comparative schedule attached to this Report.

The objects had in view in the establishment of these courts of requests and police courts in 1845, appear to have been, 1st, to relieve the more important district courts of a mass of trifling business, which prevented their giving due attention to the more weighty suits. 2dly. To take from the less important of the district courts their more weighty business, because from the constitution of such courts as to their judges, establishment, &c., they were not considered competent to deal with such more weighty cases, which would thus be transferred to the more important of the district courts. 3dly. To get rid of the host of inferior and uneducated legal practitioners which swarmed about these minor district courts, by substituting for them courts in which these inferior proctors would not be admitted to practise; and 4thly. To provide a more efficient magistracy for the country, for the prevention and prompt punishment of offences.

These objects, if attainable or attained, would appear sufficient to warrant the change then introduced into the judicial system of the island. Much doubt, however, has been expressed on the spot as to the intrinsic policy or propriety of the change. It has been alleged that the abolition of so many district courts has been in reality a virtual shutting up of justice from the people, and that the substitution for them of courts of requests, which courts are expressly denied all jurisdiction in land cases, is by no means an equivalent, seeing that the greater proportion of the litigation among the natives of this island is precisely a litigation about land. "*Interest rei publicæ ut sit finis litium.*" But this end, so desirable in itself, must be attained by furnishing to the people opportunities for lawfully and peaceably venting these *litis*, not by stopping the safety valves and letting the fermentation go on under the surface, bubbling over from time to time in deeds of violence and blood. It has accordingly been alleged by many who have devoted special attention to the working of this system that, since the abolition of these district courts, cases of assault and violence have been much more frequent among the people; in other words, that, not having been able to litigate about their land, they have been driven to fight about it. And, in pursuance of this view, the re-establishment of these district courts has been strongly recommended, and a return to the system laid down by the charter has been loudly called for.

Admitting, as we do, the paramount importance of furnishing to the people legitimate methods of obtaining justice in their disputes, we are not prepared to recommend the adoption of so trenchant a remedy as that just alluded to. We are of opinion that the root of the evil lies not in the existence of these minor courts, which were substituted for the former ones, but in the mistaken limitation of their jurisdiction. By the 5th clause of the Ordinance No. 10, of 1843, for the establishments of courts of inferior civil jurisdiction, to be called courts of requests, it is "enacted that the said courts of requests respectively shall be courts of record, and shall hear and determine in a summary way, and according to equity and good conscience, all actions, plaints, and suits for the payment and recovery of any debts, demands, damages, or matter not exceeding 5 *l.* in value, except

except the matter in question shall relate to land, to the title of any lands or tenements, or to anything whereby rights in future may be bound." This limitation of suits in the courts of requests to the value of 5*l.* we think wholly uncalled for and unadvisable. And we are also of opinion, that the conclusion that courts of requests are incompetent to decide any disputes about land because, by the Ordinance, they cannot deal with cases which relate to the title of lands, has been rather hastily assumed. In a great number of such cases we conceive that it is not necessary to go into the question of title; possession at the time the cause of action arose being sufficient, and the courts of requests being, we apprehend, competent to try that question for such a purpose. But if this view be not tenable in law, it would be easy, and we think advisable, to make it so forthwith, by giving to the courts of requests a jurisdiction in determining as to the possession of lands, in the manner provided for by the Government of Bengal in their Ordinance No. 4, of 1840. This Act, of which a copy will be found in the Appendix D to this Report, is an instance of legislating for real, felt, and pressing necessities, and a similar law is much called for here for similar objects, and from similar considerations. Generally, we fear there is too great a reluctance to provide in a direct manner for actual circumstances, and too great a desire to embrace a large number, affecting very different matters, in one vague and comprehensive measure.

Having premised these general considerations, and this brief historic sketch of the judicial constitution of the colony, we proceed to state the changes and modifications thereof, which appear to us at present advisable.

The Supreme Court, we have already seen, is open to objection on the ground of expense. But we think that there are still graver objections to its continued existence in its present shape. It consists, we have seen, of three judges, selected from the bar of the mother-country, generally at a time of life when men's minds and habits are not such as to admit the acquirement of new knowledge, or the self-adaptation to new circumstances and surroundings. These judges are men nurtured in the very peculiar training required for the practice of the common law of England, and therefore, it may be presumed, ignorant of, if not hostile to, the principles of the civil, or, as it is vulgarly called, the Roman-Dutch law, which, in civil matters, is the *lex loci* of Ceylon. As, by the present system, they exercise no original civil jurisdiction, they have not even the opportunity of acquiring by practice that knowledge of the civil law which practice alone would be able to give; and yet they exercise a supreme appellate jurisdiction over all the civil courts in the island. If there was any meaning in the reservation to the district courts of the whole original civil jurisdiction, it must have been that the judges of those courts were deemed to be peculiarly qualified by study and practice for the peculiar duties they had to perform. And yet their decisions are liable to be reversed at any moment, not by men who are to be supposed more conversant than themselves with the law of the country, but by men who are less conversant therewith; by men, in fact, who are not only almost necessarily unacquainted with it, but who have undergone a legal training of a wholly adverse and opposite kind; men whose principles and axioms of law are all drawn from another source, and who, to decide rightly, must begin by unlearning all they have learnt, and discarding from their minds all their most cherished prejudices and most respected authorities. This is not the place for entering into a discussion of the comparative merits of the English and the civil law; it is enough for our purpose that the latter is deeply rooted here, and cannot be set aside without dislocating the whole island.

The Supreme Court exercises, however, an original supreme and in-appellate criminal jurisdiction; and, as the criminal law in England is in force in this island, it was, probably, mainly with a view to its due administration that a tribunal consisting of English barristers was appointed to be the Supreme Court of Ceylon. Still, even in this point of view, we cannot applaud the present system. Other qualities, we think, are necessary for the due administration of criminal justice among an Eastern population, besides those which may be supposed to be acquired in a course of legal training in England, or from a conversancy with the English law of evidence. Among these we may especially enumerate a knowledge of the native languages; a familiarity with the manners, customs, feelings, and prejudices of the people; and, above all, some acquaintance with their rules and practice of evidence, and with those peculiar methods of utterance, both of falsehood and of truth, by which an unaccustomed ear is apt to be so easily misled, and which the soundest judgment, unused to deal with them habitually, is prone either to believe hastily or to reject presumptuously. The district judges, on the other hand, though they are permitted by the present system to decide the nicest questions of civil law as regards real property, questions requiring the greatest natural acumen, as well as great acquired learning, are yet supposed incapable of deciding, or even of guiding the jury to decide, on the plain brute fact, whether *A.* did or did not strike *B.* with a sharp or blunt instrument, whereof the said *B.* did die.

Another objection to the existence of the Supreme Court, as at present constituted, arises from the consideration of its obstructiveness. We would not be understood to maintain that this obstructive character has ever been so fully developed, or so actively and mischievously exercised, as in the instances which gave so unhappy a celebrity to the Supreme Court of Bengal. Still all who have had any practical experience in the business of government in this island cannot fail to have been struck with the unnecessary difficulties so frequently arising in the administrative machinery of government from the continued existence of this *imperium in imperio*, and the antagonism, consciously or unconsciously, exercised towards the Supreme Government by the Supreme Court. We are not

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unaware that this very antagonism may by some be considered not as an evil but as a good, that it may be maintained by persons practically unacquainted with Indian administration, that the existence of a separate and *quasi* independent power in the supreme judicial tribunal is a wholesome, not to say necessary check, on the otherwise uncontrolled authority of the executive, and that in all cases there cannot be too absolute an independence of the judicial on the executive power. But admitting, as we do, the soundness of the principle which lies at the bottom of this opinion, we yet think that, on the one hand, the check on the executive should be of a more direct and immediate kind, and on the other, that the greatest independence of function in the judiciary is compatible with perfect harmony of action between the two branches of administration. And without this unity of action, a unity which can only arise from community of origin and identity of object, we do not think it possible to carry on the business of government over a population principally Indian.

We, therefore, propose that the Supreme Court shall in future consist of one judge, who shall be styled the Chief Justice of Ceylon, with a salary of 2,000 *l.* a year; but that this court shall be wholly and solely a court of appeal from the civil courts of the island, exercising also the same testamentary jurisdiction as that at present held by the Supreme Court; that this court do sit permanently at Colombo, and that the criminal jurisdiction now vested in it be transferred to local courts in the manner to be hereinafter specified. We further recommend, that the Chief Justice be chosen either from among the district judges of the island, or, if brought from the mother-country, that he be taken from the members of the Scottish bar, or the practitioners of the civil law in England. The establishment of the Chief Justice should consist, as at present, of a registrar and deputy registrar, and such number of clerks, interpreters, and messengers as may be found necessary for the working of the court in its new shape. The details must necessarily be reserved till some estimate can be formed of the amount of business which would devolve upon the Supreme Court; but we think that, at least, the second deputy-registrar may be dispensed with, and the expense of the registrar's establishment, at present exceeding 2,000 *l.*, reduced to 1,500 *l.* a year. The saving thus effected in the Supreme Court will amount to near 5,000 *l.* a year, exclusive of circuit expenses, which would of course cease under the system now proposed.

The next branch of judicial administration to be considered is the

QUEEN'S ADVOCATE'S DEPARTMENT.

Queen's Advocate's Department.

This department at present consists of a Queen's Advocate, with a salary of 1,500 *l.* per annum; two clerks, one at 100 *l.*, and one at 50 *l.*; one interpreter at 75 *l.*; and two messengers at 21 *l.* 12 *s.* Further, of a Deputy Queen's Advocate for the whole island, with a salary of 1,200 *l.* a year, and one clerk at 45 *l.* a year. Also of four Deputy Queen's Advocates for the Western, Midland, Northern, and Southern circuits respectively, the first with a salary of 400 *l.* a year, the second of 300 *l.*, the third of 250 *l.*, and the fourth of 200 *l.*, each with a small establishment. The total expense of this department, as estimated for in the schedules of the current year, is 4,390 *l.* 8 *s.* Leaving the salary and establishment of the Queen's Advocate as it is at present, we propose that the Deputy Queen's Advocate for the whole island be also Deputy Queen's Advocate for the Western Province, at a salary of 500 *l.* per annum; and as we propose to divide the island into five judicial districts, to be absolutely identical with the five provinces, we recommend that there be one Deputy Queen's Advocate at Kandy, as at present, with a salary of 450 *l.* a year, one at Galle at 400 *l.*, one at Jaffna at 400 *l.*, and one at Trincomalie at 300 *l.* a year. It will be observed that while we have proposed to reduce considerably the salary of the Deputy Queen's Advocate at Colombo, we have recommended some increase in that of the other Deputy Queen's Advocates, for while we are of opinion that a second so highly paid officer is not necessary at Colombo, we consider that the salaries hitherto given to the others were not adequate to their position. The establishments of clerks and interpreters we propose to leave as at present.

DISTRICT COURTS, &c.

District Courts, &c.

We propose, as already stated, to divide the island into five judicial districts, corresponding exactly with the five revenue provinces. The advantages of such division are so many and so obvious as not to require any elaborate demonstration. With respect to the question of the number and class of courts to be maintained at each place, there are various elements to be taken into consideration; the two main ones are evidently general wealth and importance, as in the case of Colombo, Galle, and other large towns, and a certain degree of wealth and importance combined with distance, as in the case of Kinnegalle, Matirra, &c. But a third class of cases in which either district courts should be allowed, or to meet which some special provision should be made, are cases of great distance, though unattended with the element of wealth or consequence. In illustration, Jaffna would be of the first class, as Colombo; Manaar of the second, as Kinnegalle, &c.; and Mullettoe of the third. If Mullettoe were made a district court, the doing so would be quite exceptional, as there would be no justification on the score of wealth or importance for making any addition to the salary of the judicial officer there or to his establishment; in this case it might be said how anomalous to make the court at Mullettoe

tive a district court, and yet to have at Point Pedro a court of requests. In a case like this we should, however, be disposed to accept the apparent anomaly, and to answer simply that though the extent and nature of the business does not require such a court at either place, yet the distance from the district court at Jaffna does make it necessary in the case of Mulletivoë, while it does not in that of Point Pedro.

With respect to the general system of judicial administration, we are of opinion therefore that the present system of courts should in the main be adhered to, meeting the objections hitherto referred to, by extending the jurisdiction of the courts of requests to the trial of cases in which the property in dispute is of the value of 25*l.*, by giving to those courts, by Ordinance if necessary, the power of trying all suits about the possession of land, and by the establishment of district courts in all such places where, by reason of their remoteness from a principal district court, the want of its jurisdiction is really and sensibly felt.

With respect to police magistrates, we propose also the retention of their jurisdiction in their present form, with some modifications to meet existing defects. The principal of these defects is the misapprehension on the part of the present police magistrates, confirmed, we believe, by the Queen's Advocate's decision, of the nature and extent of their functions and duties. They appear, in fact, to have considered themselves hitherto not as police magistrates, but as police judges, unable to notice anything but what is brought before them when sitting in court. The effect of this is, that there is no magistracy in the country, in the proper sense of the word. This, we think, should be remedied, and it should be required from the magistrates as a part of their duty to institute measures for the prevention of all crimes and offences, and the bringing of such as may be committed to light. In this respect they should be placed on the same footing as the magistrates in the neighbouring continent of India. (See *Report of Superintendent of Police, Bengal, 1845, Appendix E.)

We think also that the power of the Queen's Advocate and his deputies, in relation to the magistracy, ought to be increased. They should have full authority to call for all proceedings for their information, and to make observations on the points of law involved in them, and greater facilities should be afforded for the Queen's Advocate bringing under review any decisions affecting public rights, or the rights of the Crown.

Another defect at present existing is the doubt which we understand to be entertained as to the power of a magistrate and commissioner of requests to sit to hear cases at any other place than his usual court. This doubt, we think, should be cleared up, or the power, if necessary, given.

There is also some unnecessary cumbrousness connected with the separate proceeding of a justice of peace. For instance, if after having taken up a case as justice of peace under the impression that it is likely to prove one of such importance as to require its being sent up to the district or Supreme Court, it be found that, after all, it is one for the magistrate's disposal, the magistrate, though one and the same person as the justice of peace, is obliged to take all the evidence over again as magistrate. This, we think, should be remedied, for though there may be justices who are not magistrates, we do not see the utility of magistrates being separately justices, or why they, as magistrates, should not take indiscriminately such proceedings as they now take as justices and as magistrates, which, we believe, was the practice prior to the first charter.

As already stated, we propose to give unlimited criminal jurisdiction to the district courts, or to speak more correctly, we propose to make certain of the principal district courts also session courts, in which criminal sessions may be held at certain stated intervals, say four times in the year. The chief objection likely to be raised to this proposal, viz., the danger of intrusting to the judges of these courts the trial of cases of life and death does not seem to us to have any weight. We can see nothing in the peculiar training of a mere English lawyer to qualify him exclusively for the exercise of such responsibilities and duties. We think that if proper provision be made for the due training of the members of the judicial branch of the civil service, a training which would of course include the acquirement of legal knowledge, the exercise of such criminal jurisdiction will be much more safely intrusted to them than to a mere English lawyer without local experience. And as we propose to place these sessions judges, in point of salary and position, on a level with the highest class of civil servants, we cannot but anticipate that, with such advantages, and under such responsibilities, the character of the proceedings of such judges will be greatly raised above that of the present district judges generally, and we think it will be found that, from a sense of the responsibility, and from the pressure of public opinion, no man not fairly qualified for such an office would long continue or be permitted to hold it.

As to the number of such courts of session, we should have been disposed, on the ground of uniformity, to recommend that the district judges of the five principal towns in the five provinces of the island should also be sessions judges. But as we do not conceive that the business of the Eastern Province would be of sufficient importance to maintain a separate sessions judge in that province, and as it would be unavarrantable, in a financial point of view, to keep up a highly-paid officer at Trincomalie without necessity, we propose restricting the number of these sessions courts to four; in other words, that the district judges of Colombo, Kandy, Galle, and Jaffna be also sessions judges for the trial of all criminal offences, the jurisdiction of the last-named judge extending over the Eastern Province also.

In these courts, the form of procedure, pleadings, &c., will be the same as at present in

E.
* This Report "On the State of the Police in the Lower Provinces" for the year 1845, being extremely voluminous, is not printed.

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the Supreme Court, and the judge will sit with the jury composed and summoned as at present.

We further propose to invest these sessions courts with an appellate jurisdiction to hear appeals from the courts of requests and police courts, with the proviso that the Queen's Advocate may be at liberty to carry any such appeal cases further into the Supreme Court.

The Supreme Court, though consisting of but one judge, may thus, we apprehend, get through the whole appeal business of the island, and he might, if necessary, have the power of calling on the session judge of Colombo on particular occasions.

With respect to the other district courts, not session courts, the principal modifications we have to propose, are 1st, The doing away with the assessors, a class of functionaries whose inutility is, we believe, universally recognised; and, 2dly, The extension to the district judges of the power to determine cases summarily without written pleadings, when it shall appear to them most conducive to the ends of justice so to do. The reasons that have induced us to recommend these two modifications are so fully and so ably set forth in a paper handed in to us by Mr. De Lewera, the district judge of Matura, that we append it to this Report.

We now proceed to specify the establishment of courts of every class which we deem necessary throughout the island, and first of the

Western Province.

WESTERN PROVINCE.

At Colombo we propose the establishment of two district courts, one of which shall be also the sessions court. The establishment of the former, we, think, should be as follows: one judge, at 1,500 *l.* per annum; one secretary, at 150 *l.*; four clerks, one at 100 *l.*, one at 80 *l.*, two at 60 *l.* per annum; one Singhalese interpreter, at 80 *l.*; and one Malabar interpreter, at 60 *l.*; two Singhalese translators, at 30 *l.* each; and one Malabar translator, at 30 *l.*; one record keeper, at 60 *l.*; and three messengers, at 10 *l.* 16 *s.* each. The establishment of the Court No. 2 we would fix on the same scale, with the exception of the salary of the judge, which we would fix at 1,200 *l.* per annum. Our reasons for proposing the establishment of a second district court at Colombo are, 1st, That the addition of the important criminal business to what are now the duties of the district judge will probably furnish occupation for more than one court; and, 2dly, even if there were not full employment for a second district judge, it would nevertheless be highly desirable to have a disposable judge to act on occasions elsewhere, and to help in bringing up arrears at Kandy and other places, a provision which has before been frequently suggested.

We propose also that there shall be at Colombo, as at present, a court of requests, to be presided over by a commissioner, with a salary of 500 *l.* per annum; with one clerk, at 75 *l.*; one Singhalese interpreter, at 75 *l.*; one Malabar interpreter, at 50 *l.*; and two messengers, at 10 *l.* 16 *s.* each.

The same establishment, at the same rates of salary, including that of the magistrate, we propose to fix for the police court of Colombo, these two courts exercising the same jurisdiction as at present, subject to the modifications hereinbefore specified.

At Negombo we propose to re-establish a district court, the judge of which shall also be commissioner of requests and police magistrate, with a salary of 550 *l.* per annum; one secretary, at 100 *l.* per annum; one clerk, at 80 *l.*; one interpreter, at 70 *l.*; one translator, at 18 *l.*; and two messengers, at 10 *l.* 16 *s.* each.

A similar establishment, at the same rate of pay, and composing in like manner a district court, court of requests, and police court, we propose to establish at Cultura and at Chilaw.

At Kaigalle and Ratnapoora we recommend the establishment of similar courts, with the same establishment and the same rates of pay, to be presided over by the assistant agent at each place, whose pay on that account we have already, in treating of the revenue departments, proposed to fix at 750 *l.* a year. We are of opinion that the business of these courts would not be too much for one officer.

The same remark applies to the case of Putlam, where, we think, as at Ratnapoora and Kaigalle, the assistant agent may act as district judge, commissioner of requests, and police magistrate; but considering the inferior importance of that place, both as regards area and population, and the wholly exceptional nature of the revenue collected there, we are of opinion that the salary already proposed by us, viz., 550 *l.*, will be sufficient for the assistant agent who will perform these several duties.

The only remaining places in this province which appear to require any judicial establishments, are Avishawelle and Calpentyn. There is no reason either of distance or of intrinsic importance to induce us to recommend the establishment of a district court at either place. We therefore propose that at both places there shall be, as at present, a commissioner of requests and police magistrate, at a fixed salary of 300 *l.* per annum; with one clerk, at 60 *l.*; one interpreter, at 50 *l.*; and two messengers, at 10 *l.* 16 *s.* each.

Southern Province.

SOUTHERN PROVINCE.

At Galle we propose to establish one district court, which shall also be a sessions court, with one judge, whose salary shall be 1,200 *l.* a year; one secretary, at 120 *l.*; one clerk, at 75 *l.*, and one at 50 *l.*; one Singhalese interpreter, at 75 *l.*; one Malabar interpreter,

preter, at 50 *l.*; one translator and native writer, at 27 *l.*; one record keeper, at 24 *l.*; and three messengers, at 9 *l.* each.

We also propose that at Galle there be, as at present, one commissioner of requests and police magistrate, whose salary we would raise to 400 *l.* a year; with one clerk, at 75 *l.*; one at 30 *l.*; one Singhalese interpreter and translator, at 75 *l.*; one Malabar ditto, at 60 *l.*; and two messengers, at 10 *l.* 16 *s.* each.

At Matura, a district of which the population is extensive and wealthy, we propose to continue the present district court, raising the salary of the judge to 700 *l.* per annum; with one secretary, at 100 *l.*; one clerk, at 60 *l.*, and one at 50 *l.*; one interpreter, at 75 *l.*; one translator and native writer, at 36 *l.*; one record keeper, at 24 *l.*; and two messengers, at 9 *l.* each.

At Hambantotte we propose to re-establish the district court, uniting with it the present court of requests and police court, the whole to be administered by the assistant agent, whose salary on the revenue abstracts we have fixed at 550 *l.* The establishment at Hambantotte to consist of one secretary, at 70 *l.*; one clerk, at 50 *l.*; one interpreter and translator, at 60 *l.*; two messengers and process servers, at 9 *l.* each.

At Tangalle we would leave the court as it at present stands, giving to the district judge there, who is also commissioner of requests and police magistrate, a fixed salary of 550 *l.* per annum, and a like establishment with the same rates of pay as at Hambantotte.

At Bentotte we propose to leave the court of requests and police court as at present established, with a fixed salary to the commissioner of 300 *l.* per annum, and an establishment consisting of one clerk, at 70 *l.*; one interpreter, at 60 *l.*; one native writer, at 24 *l.*; and three messengers, at 10 *l.* 16 *s.* each per annum.

EASTERN PROVINCE.

Eastern Province.

At Trincomalie we propose to continue a district court as at present, which shall also be a court of requests and police court. We have already stated the reasons which in this instance have induced us to depart from the general rule we had laid down of making the principal district court in each province also a sessions court. For the same reasons we propose to fix the salary of the district judge, commissioner, and police magistrate, at 750 *l.* per annum; with one secretary, at 100 *l.*; one clerk, at 75 *l.*; one native writer, at 27 *l.*; one interpreter, at 50 *l.*; and two messengers, at 9 *l.* each. The criminal jurisdiction of this province will be exercised by the sessions court at Jaffna.

At Batticaloa we propose to continue the present district court, which is also a court of requests and police court, but to do away with the separate officer who presides over it, and place it under the assistant agent at that place. We are of opinion that there is not sufficient reason for the retention of a separate judicial officer at this place. The people have been remarkable for good dispositions and peaceable demeanor, and the assistant agent ought to be able to decide what suits may arise among them, and fulfil all his revenue duties. The establishment at Batticaloa we would fix at one secretary, at 75 *l.*; one clerk, at 30 *l.*; one interpreter, at 27 *l.*; one native writer, at 10 *l.*; and one messenger, at 9 *l.*

In the district of Muverakalawiya, which, according to our proposal already stated, will form part of this province, we propose to leave, as at present, a district judge, commissioner of requests, and police magistrate at Anaradjapoor, the functions of which combined courts shall be exercised by the assistant agent, whose salary we have already proposed to fix at 750 *l.* per annum. His establishment to consist of one secretary, at 100 *l.* a year; one interpreter, at 90 *l.*; one native writer, at 15 *l.*; and two messengers, at 12 *l.* each. We would further recommend the establishment of a new court at Haborenne, to be presided over by a commissioner of requests and police magistrate, with a salary of 300 *l.* per annum; and an establishment consisting of one clerk, at 50 *l.*; one interpreter, at 36 *l.*; one native writer, at 12 *l.*; and two messengers, at 9 *l.* each. Our reason for recommending this additional outlay is the want already so sensibly felt of some European authority between Trincomalie and Mantille, on the Kandy road, to attend to the Tamankadua portion of the Trincomalie district, and the easternmost and southernmost parts of Muverakalawiya, a want which has already been brought to notice by the agents of the Northern and Central Provinces.

NORTHERN PROVINCE.

Northern Province.

At Jaffna we propose that there shall be a district judge, who shall also be the sessions judge for this and the Eastern Province, with a salary of 1,200 *l.* a year, and an establishment, consisting of one secretary, at 80 *l.* a year; one clerk at 50 *l.*, and one at 40 *l.* a year; one interpreter, at 60 *l.* a year; one writer of Tamul and English, at 15 *l.*; one ditto, at 12 *l.*; one clerk of notarial register, at 55 *l.*; one writer ditto, at 15 *l.*; one record keeper, at 36 *l.*; and four messengers, at 9 *l.* each.

We propose also to retain the present court of requests and police court at Jaffna with a fixed salary to the magistrate of 400 *l.* per annum, and an establishment, consisting of one clerk, at 60 *l.*; one at 36 *l.*; one interpreter, at 50 *l.*; one writer of Tamul and English, at 12 *l.*; one native writer, at 10 *l.*; and two messengers, at 9 *l.* each.

At Manaar we propose to leave, as at present, a district court, which shall also be a

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court of request and police court, presided over by the assistant agent, whose salary we have already fixed on the revenue abstracts at 550 *l.* per annum, and an establishment, consisting of one secretary, at 50 *l.*; one clerk, at 40 *l.*; one interpreter, at 36 *l.*; one native writer, at 10 *l.*; and two messengers, at 9 *l.* each per annum.

The same establishment, at the same rate of salary as at present, we propose to fix at Mulletivoë, at which place, for the reasons already stated, we recommend that the assistant agent, who is now commissioner of requests and police magistrate, be also made a district judge.

At Mallagam, Point Pedro, Chavagacherry, and Kaits, we propose that there be a commissioner of requests and police magistrate, with a fixed salary of 300 *l.* a year, and the following establishment at each place, viz., one clerk, at 50 *l.*; one interpreter, at 36 *l.*; one writer of Tamul and English, at 12 *l.*; and two messengers, at 9 *l.* each.

Central Province.

CENTRAL PROVINCE.

At Kandy we propose that there should be one district court, which shall also be the sessions court for the Central Province, with one judge, at a salary of 1,200 *l.* per annum; one secretary, at 100 *l.*; one clerk, at 75 *l.*, and one at 60 *l.*; one Singhalese interpreter, at 70 *l.*; one Malabar ditto, at 60 *l.*; one native writer, at 30 *l.*; one at 25 *l.*; one record keeper, at 40 *l.*; and three messengers, at 12 *l.* each. Further, that there shall be a court of requests and police court, with one magistrate, at 450 *l.*; one clerk, at 75 *l.*; one at 50 *l.*; one Singhalese interpreter, at 70 *l.*; one Malabar ditto, at 60 *l.*; one native writer and translator, at 18 *l.*; one Malabar ditto, at 15 *l.*; two messengers, at 12 *l.* each; one head process server, at 48 *l.*; and four process servers, at 15 *l.* each per annum.

At Kurnegalle, which under our proposed arrangement will belong to this province, we propose to relieve the district judge from his present police duties by moving to Kurnegalle the present police court at Maddeweltenne. This district is a larger, more populous, and more turbulent one than Matura, where at present there are two courts, and the reason which led to the establishment of a police court at Maddeweltenne, viz., the pressure of a large Cooly population in that neighbourhood, having ceased with the decline of the coffee cultivation in this district, we hold it advisable to turn to account this circumstance for the purpose of lightening the otherwise excessive labour which falls on the sole judicial functionary at Kurnegalle. By our proposed arrangement there will therefore be at Kurnegalle one district court with one judge, at a salary of 700 *l.* per annum; one secretary, at 100 *l.*; one clerk, at 75 *l.*; one ditto, at 50 *l.*; one interpreter, 60 *l.*; one translator and native writer, at 36 *l.*; one record keeper, at 24 *l.*; and two messengers, at 10 *l.* 16 *s.* each. There will also be one court of requests and police court with one commissioner, at a salary of 300 *l.* per annum, with one clerk, at 75 *l.*; one interpreter, at 70 *l.*; and three messengers, at 10 *l.* 16 *s.* each per annum.

At Badulla we recommend that the district court, which is also a court of requests and police court, remain as at present, but its duties being performed by the assistant agent, whose salary we have therefore proposed to raise to 750 *l.* per annum. We propose that his establishment consist of one secretary, at 100 *l.*; one clerk, at 75 *l.*; one Singhalese interpreter, at 70 *l.*; one Malabar ditto, at 60 *l.*; one record keeper, at 30 *l.*; one native writer, at 15 *l.*; and two messengers, at 12 *l.* each per annum.

The judicial establishments at Matelle we propose to leave as at present, viz., a court of requests and police court, with one commissioner, at a salary of 550 *l.* per annum; one clerk, at 80 *l.*; one interpreter, at 70 *l.*; and two messengers, at 12 *l.* each, the court being presided over by the assistant agent.

At Gampola we propose also to leave the court of requests and police court at present existing there, fixing the pay of the commissioner at 300 *l.* per annum, with one clerk, at 80 *l.*; one interpreter, at 70 *l.*; and two messengers, at 12 *l.* each.

At Nuwera Ellia we also propose to leave the court of requests and police court to be presided over as at present by the assistant agent, with a salary on the revenue abstract of 300 *l.* per annum, and an establishment consisting of one clerk, at 75 *l.*; one interpreter, at 70 *l.*; and two messengers, at 12 *l.* each per annum.

Ecclesiastical.

ECCLESIASTICAL.

The total amount of expenditure under this head, as shown in the schedules of the fixed establishment of the current year, is 10,220 *l.* 10 *s.*, of which sum above four-fifths, viz., 8,431 *l.* 8 *s.*, is paid to the bishops and ministers of the Church of England, 1,050 *l.* to ministers of the Church of Scotland, and 739 *l.* 2 *s.* to ministers of the Dutch Presbyterian Church.

The appointment of a bishop is one of recent occurrence, the island having been for ecclesiastical purposes only an archdeaconry of the diocese of the Bishop of Madras till the year 1844. The salary of the bishop is fixed at 2,000 *l.* a year, to which must be added, in an estimate of the total cost of his establishment, a fixed allowance of 500 *l.* per annum for travelling expenses, and the salaries of his registrar, clerk, and messengers, which swell the total expenses on account of the bishop and his establishment to 2,682 *l.* 8 *s.*

Considering the very small number of persons professing to belong to the communion of the Church of England in Ceylon, we are of opinion that it is not advisable to continue the charge of this establishment on the colonial revenues, and we see no reason why the provision for a bishop should ever have been imposed on the revenue of this island any more

more than on that of the Cape of Good Hope, Hong Kong, and other colonies, where it is defrayed by religious societies, or by the munificence of individuals in England. Much, therefore, as we should regret to see any establishment discontinued so useful in its working on the small English population of this island as that of an English Protestant episcopate, we yet feel bound to record our opinions that its charge is not a fair one on the general revenues of an Indian dependency of the Crown; and considering the well-known liberality of the religious societies in England above alluded to, and the large sums annually expended for ecclesiastical purposes by wealthy members of the Church in England, we have little doubt that if the payment of the bishop and his establishment were to be discontinued, as we think it ought to be, out of the colonial revenue, the deficiency would be speedily and amply made up.

In the remaining establishment of the Church of England, which will be found in the schedules annexed, we have no alterations to propose, with the exception of the allowance of 100 *l.* a year for military duties made to the colonial chaplains at Colombo, Galle, and Trincomalie. We think the salaries of the colonial chaplains at those places, 800 *l.* a year at Colombo, and 600 *l.* at Galle and Trincomalie, a sufficient remuneration without this extra allowance, more especially as at Kandy, where there is a larger garrison than at either Galle or Trincomalie, and where the chaplain receives a salary of only 500 *l.* a year, no such allowance is made. And we think that under any circumstances this military charge should not fall on the colonial revenue, already so heavily burdened under this head.

The sum paid to the Presbyterian Church of Scotland consists of a salary of 500 *l.* to the colonial chaplain of St. Andrew's church at Colombo, and a fixed allowance of 150 *l.* a year to the same individual, granted to him on his retirement from the post of secretary to the School Commission. We think that this sum should not be brought to account under this head, but should appear as a retiring pension in its proper place. The salary of 400 *l.* a year hitherto paid to a Scotch Presbyterian chaplain at Kandy is to be discontinued in future, on similar grounds to those on which we have recommended the relief of the colonial revenue from the payment of the episcopal establishment of the Church of England; viz., the very small proportionate number of individuals belonging to that communion at that place.

The payment made to ministers of the Dutch Presbyterian Church presents an anomaly not altogether easy of explanation. The joint maintenance of the establishments of the Church of England and the Church of Scotland may be explained by the national character of those two churches as established churches in different parts of the supreme governing country. But the stipends paid to the Dutch Presbyterian Church can only be looked upon as contributions to a church which has been the established church of the Christian population of the maritime provinces, a condition which applies also to the Portuguese Catholic Church. As, however, it would be both impolitic and ungracious to take away the pecuniary allowance from the small remnant of the established church of the Dutch, and as it would be equally impossible, even if it were to be desired, to extend them to the large establishments of the Portuguese Catholic Church, we are not prepared to suggest any practical corrective of this apparent anomaly. We content ourselves with pointing it out, being well aware of the passions and jealousies so apt to be excited by any real or supposed preference of one sect over another by the government of any colonial dependency.

EDUCATION.

The total amount estimated for under this head for the current year was 9,170 *l.* 0 *s.* 4 *d.*, the actual expenditure of the past year, 1848, having been 8,817 *l.* 12 *s.* 9 *d.* Since the beginning of the present year, however, reductions have been effected in this department, and a new system introduced, the reasons and details of which are so fully set forth in the Report of a sub-committee of the School Commission, which will be found appended to this Report, that we need not enter any further into the subject at present. It does not appear that any further reductions are immediately practicable.

Education.

MEDICAL.

The total amount estimated for under this head in the schedules of fixed establishment for the current year is 9,447 *l.* 6 *s.*, besides 5,237 *l.* under the head of Hospitals, exclusive of establishments. The department is under the charge of the principal military medical officer, to whom, besides the island allowances of his rank, the island pays a sum of 300 *l.* a year for performing the civil duties of his office. We have taken much pains to inquire into a question on which we found much difference of opinion to exist, viz., whether it be advisable to continue this arrangement, or to remove the department from under the control of the military medical officer, and put it entirely under a civil medical servant of Government. The reasons adduced by the advocates of such a change are,—1st. The inconvenience of the head of the department being under two sets of rules, obeying two authorities, and exercising two separate functions; and, 2dly. The lesser efficiency to be expected from a military head of the department, promoted from length of service in other climates, and shifted so frequently as to give little opportunity for the acquisition of local experience. On the other hand, it is asserted that the same degree of subordination might not be enforced by a civil as by a military head of a department. The extra expense also involved in the project of establishing a separate civil medical establishment under a

G.
Being a pamphlet entitled, "Eighth Report of the Central School Commission for the Instruction of the Population of Ceylon," will be found reprinted as an Appendix to this Paper, at p. 254.

Medical.

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separate head, is alone a powerful reason against its adoption. On the whole, we are not prepared to suggest any change in this matter, and considering the heavy expenditure incurred on account of the Military Medical Establishment, we think it desirable that its services should be made as available as possible for the civil wants of the island. That expenditure, as will be seen when we come to treat of it under its proper head, has considerably increased of late years, there being at present 10 military staff surgeons in the island, drawing island allowances, with only two European regiments, whereas in 1835 there were only eight staff surgeons, though at that time there were four European regiments in Ceylon.

The distribution of the sum granted for the Civil Medical Establishment for the current year is as follows :—

	£.	s.	d.
1 Principal medical officer, at - - - - -	300	-	-
3 Medical assistants - - - - -	750	-	-
93 Sub-assistants, vaccinators, &c. - - - - -	5,952	18	-
46 Subordinate servants, &c. - - - - -	507	12	-
5 Office clerks, &c. - - - - -	189	16	-
5 Superintendents of vaccination - - - - -	450	-	-
	*8,857	6	-
Salaries of officers suppressed since the beginning of this year	590	-	-
	£. 9,447	6	-

* *Sic. Orig.*

It will be seen from the above statement that the amount of expenditure is still very large, and not only is it large in itself, but we fear that it is also large in proportion to the good effected by it. Even the great attempts made to check that scourge of the population in former times, the small-pox, by the introduction and extension of the practice of vaccination, appear to have been of little practical use, if we are to rely on the evidence of a medical practitioner, himself in the service of Government, who has stated to us that he has never yet seen a single normal case of vaccination in the island. And it is well known that while the medical establishment is thus large and expensive for ordinary purposes, it is at the same time wholly inadequate to meet any extraordinary contingency, such as the breaking out of cholera or other epidemic disease. And yet we keep up an expensive staff of assistants, sub-assistants and vaccinators, whose principal duty appears to consist in making innumerable returns to the head of the department at Colombo. The vaccinators make returns of the number and names of people vaccinated, weekly, monthly, and annually, to the principal superintendent of vaccination of the district, of whom there are five in the island, all military staff officers, receiving each 90 *l.* a year for the performance of this civil duty. The vaccinators also make similar returns to the Government agents, whose headmen are expected or supposed to watch the people, and ascertain whether the vaccination is successful; and their reports are, or ought to be, compared with the vaccinator's return. The principal duty of the five superintendents of vaccination above alluded to appears to be the reception and transmission to Colombo of these returns, and as their military duties, which of course confine them to the principal garrison towns to which they are attached, prevent them from exercising any really effective supervision over the district, we recommend the discontinuance of the civil allowance now made to them, and their exemption from civil duty. The returns now transmitted through them may be transmitted direct to the principal medical officer at Colombo, and the duty of local supervision may be imposed on the Government agents and their assistants, to be exercised in their usual circuits. This reduction will effect an annual saving of 450 *l.* in this department.

Of the three European medical assistants engaged for a term of years, at a salary of 250 *l.* per annum, one, it is understood, is to be discontinued when his covenanted term of service expires in the spring of the ensuing year. We have some doubts, with so large a military staff, and so numerous a body of sub-assistants, many of them young men of considerable ability and attainments in their profession, of the expediency of retaining the services of the other two medical assistants beyond the term of their service. At all events, one of the two might, we think, be dispensed with; the other, if retained, being stationed at Colombo, in charge of the Wellicadde Gaol and the Lunatic Asylum. But if it be deemed advisable to retain the services of both these gentlemen (and their professional character and standing are, we believe, such as to render them valuable servants of Government), we recommend that the other be stationed in the Manaar district, to have charge of the whole matter of public health in the country from Tallamanaar to Dambool, with reference especially to the important subject of Cooly immigration. A medical officer so stationed, and moving along the line of road followed by the immigrants, might also superintend the proper carrying out of the other arrangements for rest-houses, patrols, &c., which at present involve so much expense. Some such appointment has been frequently suggested by the Government agent of the Northern Province, in reporting upon the subject of Cooly immigration. At present, one of these medical assistants is stationed in Colombo, another at Kornegalle, and a third at Putlam, where he has hardly any duties to perform.

Of the medical sub-assistants, 37 in number, 13 receive salaries of 150 *l.* a year each, 21 receive 110 *l.* a year each, and three receive 90 *l.* a year each; seven of these are attached at Colombo, in attendance on hospitals or in charge of medical stores; one is attached to the police

police court, and one as health officer at Colombo; one is stationed at Ratnapoora, one at Hendelle, one at Chilaw, Caltura, Negombo, Putlam, and Calpeutyn, and Kurnegalle respectively; in the Northern Province, one at Jaffna, Manaar, and Point Pedro respectively; two at Trincomalie, one at Batticaloa, one at Anaradjapoor, in the Southern Province; three at Galle, and one at Matura, in the Central Province; four at Kandy, one at Matelle, one at Navellapittia, in charge of the division of pioneers; one at Kallugalle, and one at Illookwatte, both also in charge of pioneers; and one at Badulla.

The number of these medical assistants might, we think, be reduced advantageously by the dismissal of those who, from want of ability or education, are not competent to fulfil their duties, a point which can best be decided by the head of the establishment. We apprehend that after a weeding of this nature a sufficient number of medical sub-assistants would remain, educated at Calcutta, and competent to carry on the business of this department on a really efficient manner throughout the island. In the Northern Province especially we believe there is room for reductions of this kind, particularly at Manaar and Point Pedro. We are informed by the Government agent of that province that young men brought up under the medical member of the American mission, with at least equal if not superior qualifications, could be obtained at a much less cost to fill such situations, an arrangement which would be attended with many incidental advantages. The present head of the department having already carried out considerable reductions in its expenditure, we would propose to leave to him the details of these suggested reductions in the number of medical sub-assistants, which he might be instructed to enter upon without delay.

The education of medical sub-assistants at Calcutta, on account of the Ceylon Government, having been, we believe, discontinued, on account of its expense, we would suggest that it might be advisable again to encourage a practice previously followed to some extent, though perhaps not systematically, by the medical officers at different stations, of taking pupils. Much good might, we think, be done in this way, and something of the kind seems necessary as a substitute for the Calcutta education.

The only further remark that we have to make with respect to these medical sub-assistants, is that we find in some instances they are employed also on military duty. We have observed this to be the case at Kandy, Matelle, and Galle. Considering the heavy military charges paid out of the colonial revenue, we think that all medical sub-assistants employed on military duty should be paid, not by the colony, but out of the military chest.

The Vaccine Establishment consists of 42 vaccinators, of whom 16 are stationed in the Western Province, four in the North-western, six in the Southern, four in the Eastern, eight in the Northern, and four in the Central, assisted in some places by peons and health officers; the cost of the whole establishment, as estimated for in the schedules of the current year, being 1,188 *l.* 18 *s.* We have already expressed our doubts as to the practical efficiency of this branch of the medical service; but considering the all-importance of providing all possible help against so fearful a scourge among an Asiatic population as small-pox, we feel reluctant to recommend reductions under this head, unless directly suggested by the medical authorities themselves. We would therefore leave the consideration of this branch also to the principal medical officer, in the hope that he may be able gradually to effect judicious retrenchments.

In the hospital establishments a considerable reduction has, as above stated, been already effected since the beginning of this year by the suppression of the salary and allowance of the superintendent of the lunatic asylum at Colombo, amounting together to 800 *l.* per annum, and the substitution in his place of one of the medical assistants. We have no further reductions to suggest at present.

The office establishment of the principal civil medical officer consists of one clerk at 75 *l.*, one at 50 *l.*, one translator at 30 *l.*, one at 24 *l.*, and one messenger at 10 *l.* 16 *s.* per annum. We have no modifications to suggest in it at present.

In the contingencies of the department we notice a charge for batta to medical sub-assistants. This provides for special allowance made to different medical officers in consequence of the insalubrity or expensiveness of their stations.

POLICE.

Police.

This department of the public service is one of the most difficult to handle in a review of establishments with a view to retrenchment of expenditure.

The police force of the island is divided into two separate and independent branches, under independent heads: 1st. Colombo, including Negombo and Galle. 2dly. Kandy, which is again subdivided into town and rural police. The cost of the Colombo division, as borne on the estimates of the current year, amounts to 3,575 *l.* 16 *s.*; of the Kandy division to 2,441 *l.* 9 *s.*; the total cost of the establishment in the island amounting to 6,017 *l.* 5 *s.*

It will thus be observed that, as regards police, the rest of the island is left to shift for itself. Clearly, then, no reduction could well be made in this force; it would rather need increased expenditure. But in its present form, and with the present element of its composition, increased outlay would only be a waste of money. The uselessness of the force, as at present constituted, is too notorious to need much remark. Even the purpose which it is specially calculated to answer, the prevention and detection of crime in the larger towns, is, to judge from the number of robberies and other outrages which take place in them, but very imperfectly attained. And yet it cannot be said that this force is

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underpaid. At Colombo, the 12 serjeants receive 24*l.* 12*s.* each, the 20 first-class constables 17*l.* 8*s.* each, the 30 second-class constables 15*l.* each, and the 50 third-class constables 13*l.* 4*s.* each.

But beside this paid police of the towns, there exist the elements of another and far more effective police force in the village institutions of the country itself, and it is only, we think, by accepting and developing this position of the police vidahns, that we can ensure the safety and tranquillity of the island.

The inefficiency of the present system of police has for some years past occupied the attention of the Colonial Government. By letters of the Colonial Secretary of the 7th of February and 9th of March 1843, reports were called for from the different Government agents and the other officers on the whole subject of the police of the country. This requisition was accompanied by remarks upon the efficiency of the existing arrangements and the urgent demand for improvement. In consequence of this requisition, a very remarkable Report was sent by Mr. Dyke, the Government agent for the Northern Province on the 9th of August 1844. The practical conclusions of that Report may be briefly summed up in the following four propositions:—

- 1st. That any police agency, but that of the police vidahn is, as regards the great mass of the island, impracticable.
- 2dly. That improvement of that agency to any considerable extent is not practicable without paying for it.
- 3dly. That it is practicable to a considerable extent even immediately by paying for it, and—
- 4thly. That much improvement in the country as to the prevention and detection of crime is not to be effected but through the aid of such improved agency.

H.

We annex Mr. Dyke's Report in full in the Appendix. We agree entirely with him in the principle he lays down of providing a suitable remuneration to the present unpaid police vidahns throughout the island, and thereby gaining them over effectually to the cause of order and of law.

The only difficulty we have in recommending the immediate adoption of such a measure arises from the consideration of the great expense which its introduction throughout the island would of course necessitate. The method proposed by Mr. Dyke to meet this expense—an assessment on houses—is one of which recent events might perhaps lead us to doubt, not the absolute propriety or substantial justice, but the temporary political expediency. We need not now go back to the past history of the neighbouring continent, nor refer to the house-tax at Benares in 1813, for an illustration of the caution with which a new tax of any kind, even in substitution for a more oppressive old one, should be introduced among an Asiatic population.

This, however, as being more properly a matter of revenue than of expenditure, is hardly within the limits of the present Report. Yet, as bearing indirectly at least on the question of the police establishments of the island which have now come under our review, we have not thought it right to pass it over in silence. And we take this opportunity to record our conviction that the Government of the island is strong enough to impose, and the people of this island wise enough to submit to any even direct taxation for a purpose so obviously beneficial to their best interests as the one to which we have just adverted, provided always that proper care and diligence be used by the Government to instruct the people and enlighten them both as to their interests and its own intentions.

When this proposed system of local assessment and paid village police is once carried out, and we see no reason why it should not be carried out forthwith, the present police force in the towns might be, if not reduced, at least placed on a more efficient footing as regards its constitution, by making it a regularly trained corps like the police in Ireland or the gendarmerie in France, and confining it specially to local duty. And the Kandy division, or at least the subdivision of it, known as the rural police, might be dispensed with altogether.

FISCAL'S DEPARTMENT.

Fiscal's Department.

The duties of this department may be divided into three branches:—1st. The execution of writs against property; 2dly. The service of personal process, including the custody of prisoners under detention at the courts and escorting them to gaol; and, 3dly. The custody of the prisoners in gaol and their superintendence at hard labour. The total expenditure of this department amounting, on the estimate for the current year, to 8,384*l.* 6*s.* 5*d.*, will be found in the schedule attached to this Report.

This amount appears at first sight a large one. Nevertheless, after a careful examination of all its details, we are not in a position to recommend any considerable reduction of it. Its duties are of too important and too responsible a nature to be performed without adequate remuneration; and so much of the efficiency of the whole judicial administration depends on the proper working of this department, that we think it would be highly inexpedient to diminish its numbers or in any way weaken its strength.

It has, however, been maturely considered by us whether it might not be possible to make the department in some measure pay itself by the imposition of a table of fees on service of process which might in some measure be commensurate with its expenditure. At present the officers of this department are paid almost entirely by fixed salaries; the only fees levied being one or two per cent. on the value of landed property sold in execution,

cution, and of three per cent. on moveable property; with the proviso, however, that the fee shall never in any one case exceed 15 *l.* These fees are levied under the authority of the rules laid down by the Supreme Court. Considering, however, the high stamp duties already existing, and the inexpediency of increasing any further the expense of judicial proceedings, we cannot recommend any innovation in this respect.

It remains for us therefore merely to suggest such subordinate reductions as appear to us feasible in this department in the different provinces.

In the Western Province alone there is a separate officer kept up to perform the duties of fiscal. He receives a salary commencing at 550 *l.* a year, with annual augmentations till it reaches 650 *l.* a-year. In the other provinces the Government agents perform the duties of fiscal without any extra remuneration. We see no reason why there should be any exception to this rule in the case of the Western Province; for, apart from the obvious advantage in the way of economy of uniting the duties to those of Government agent, we are of opinion, as regards efficiency, also that the influence and authority possessed by the Government agent are highly useful, not to say essential to the proper working of the fiscal's department. We therefore recommend that the separate office of fiscal of Colombo be abolished, and that the Government agent of the Western Province be appointed fiscal also for that province without any extra pay in that capacity. But as the duties of fiscal for this province—the most important and most populous of all—are heavier than those of any other fiscal, and therefore require some special provision, we propose that a deputy fiscal for this province be appointed, with a salary of 400 *l.* a year, to act under the orders and responsibility of the Government agent as fiscal. Out of the savings effected by this arrangement, we recommend that an addition be made of 50 *l.* a year to the salary (now 100 *l.* a year) of the governor of the gaol at Wellicadde, a post of trust and importance, satisfactorily filled by its present incumbent, whose salary we consider inadequate.

In the Northern Province a somewhat different organization of this department has been established under the able administration of the present Government agent and fiscal. For the reasons set forth in his various Reports on this subject, he has established a gradation among the officers of the department, which does not exist elsewhere, but which appears to work well in that province. An important feature in this scheme is the payment at a higher rate of a certain number of process-servers, who, as head process-servers, exercise a control over the inferior ones. Following out this principle, he has proposed to us the following reductions and augmentations of pay, the adoption of which we recommend at Jaffna: the pay of the three clerks, now 70 *l.*, 50 *l.*, and 40 *l.* respectively, to be reduced to 60 *l.*, 45 *l.* and 36 *l.* respectively; the interpreter and translator to be reduced from 50 *l.* to 45 *l.* At Manaar, the clerk to be reduced from 40 *l.* to 36 *l.* The head process-servers at Mallagam, Point Pedro, Chavagacherry, and Kaits to be raised from 9 *l.* to 15 *l.* respectively; at Mullettoe from 10 *l.* to 12 *l.* Of inferior process-servers, of whom there are at present eight at Jaffna, six at Mallagam, six at Point Pedro, six at Chavagacherry, and six at Kaits; making altogether, for Jaffna and its surrounding districts, 32 process-servers at 7 *l.* 10 *s.* each; he proposes to do away with seven, retaining 25, of whom 13 at 10 *l.* per annum, and 12 at 7 *l.* 10 *s.* In like manner at Manaar, in lieu of four process-servers at 6 *l.* per annum, he proposes to retain but three at 7 *l.* 10 *s.* per annum each, and at Mullettoe, in lieu of four at 4 *l.* 10 *s.* each, to retain three at 6 *l.* each. At Jaffna, the salary of the gaoler to be reduced from 70 *l.* to 60 *l.*, and that of the eight messengers and guards, of whom four now receive 5 *l.* 8 *s.* each, and four receive 4 *l.* 19 *s.* each, to be raised to 10 *l.* each per annum. In lieu of two superintendents in charge of Singhalese prisoners, at 13 *l.* 10 *s.* each, and of an allowance of 4 *l.* 10 *s.* now made to a process-server as superintendent of prisoners' work, he proposes to establish one superintendent at 12 *l.* per annum; further, to establish a turnkey at Manaar at 7 *l.* 10 *s.* per annum, and one at Mullettoe, at 6 *l.* per annum. We recommend the adoption of all these three proposals.

The only other province in which we have any modifications to recommend in this department is the Central Province. In this province, as in the others, the Government agent acts as fiscal, but there is a deputy fiscal with a salary of 120 *l.* a-year. We think that this office might be suppressed, and its duties performed, as in the other provinces, by the assistant agent. We are also of opinion that the salary of the head clerk, which is greatly disproportionate to that of similar offices in the other provinces, might be reduced from 100 *l.* to 80 *l.* a-year.

COLONIAL COMMISSARIAT.

Colonial Commissariat.

The annual expense of the fixed establishment of this department, as set forth in the estimate for the current year, is 4,035 *l.* 14 *s.* 6 *d.* It is presided over by an officer at Colombo, with a salary of 1,000 *l.* a year, including his military pay and allowances, with an assistant at 10 *s.* per day, and there are branches at Trincomalie, Galle, and Kandy, each under a military officer, as deputy assistant commissary, with an allowance of 7 *s.* 6 *d.* a day over and above his military pay and allowances. The conclusions at which we have arrived, with regard to it, tally exactly with those come to by the committee appointed by the Secretary of State, for the review and consideration of the Colonial Reports on the Finance and Commerce of the Island of Ceylon, in their Report, dated 13th April 1847, and laid before Parliament, by command of Her Majesty, in April 1848. We extract, verbatim, the passage in that Report which has reference to this department:—

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"The only department in which we are aware of the possibility of immediate reduction is the Commissariat Department. In Ceylon alone, of all the British Colonies, the Commissariat Department is a colonial establishment, and combines civil duties with its more appropriate functions. It is employed by the civil departments to procure and take charge of all stores of every kind, from the tools and materials used in building, &c., to the stationery and books required in the public offices. Its military duties consist in supplying provisions for the troops, providing materials for military works, and other duties of an analogous character. The officers of whom it is composed are appointed by the Governor for the time being; their appointments are never reported to the Secretary of State, nor are their names or emoluments even returned in the Blue Book. It is understood, however, that they are generally selected from among the officers on the station.

"Such an establishment may, perhaps, have been necessary in the early days of our settlement in Ceylon, when there was but a limited importation of European articles on private account, and when, therefore, the Government was compelled to rely for its supplies on its own arrangements. But the necessity for it must, before this, have passed away. The Colonial Secretary, in his Report, adverts to the possibility of an early reduction of this office, and states that the merchants of Colombo are, already, in a condition to furnish most of the articles hitherto issued from the Commissariat stores. We think it would be desirable at once to discontinue the civil branch of this department. The system of keeping on hand a store of articles for the use of the Government officers must always lead to waste and loss; nor is there any chance, so long as this establishment is maintained, that the merchants of Ceylon will make an effort to supply its place. But, if a notice were given of the intention to discontinue the civil branch, and if, in anticipation of that discontinuance, tenders were invited for the supply by contract of such articles as have hitherto been procured through that department, there can be no question but that the articles would be procured through the local merchants. If it should be necessary to invest an officer with the duty of superintending the purchases of the several departments, that duty, as far as ordinary stores are concerned, should be devolved on the Auditor-general. As regards materials or implements for public works, it would naturally devolve on the civil engineer, or surveyor-general of roads, as the case might be.

"The civil duties of the Commissariat Department once abolished, it would probably be desirable, even though the colony should continue to defray the expense, to put the military commissariat on the same footing as the Commissariat Department in other colonies. There can be no doubt that officers regularly trained to the duties would execute them with more regularity and economy than officers selected, as at present, without any previous knowledge of the business. It would probably be impossible, except on the spot, to point out the specific items on which reductions might be effected; but it is evident, from the difference between the amount paid for provisions (13,670 *l.* 17 *s.* 1 *d.*), and the amount recovered for stoppages (9,737 *l.* 2 *s.* 8 *d.*), that the commissariat in Ceylon is not at present managed with economy."

We insert in the Appendix to this Report a Draft Report of a Committee of the Chamber of Commerce, in the year 1846, which also coincides with the conclusions just quoted.

In enunciating, however, our agreement with the general principle laid down in these two Reports, we must remark, that we have found a remarkable discrepancy of opinion in the witnesses whom we have examined with reference to this department. The different merchants of Colombo most conversant with the details of business, and especially with such business as is now transacted by the Commissariat Department, are unanimously of opinion that it might and ought to be done away with; that its work might be done cheaper and better, as regards its civil branch, by private enterprise and contract, and that its great expenditure is uncompensated by any adequate return.

The officers employed in the department, on the contrary, opine with equal unanimity that no change or modification of it is advisable at all. Major Parke, the late Deputy Commissary-General, distinctly says, "he is not prepared to recommend any alteration whatever in the present system, or any reduction of the present establishment." Lieutenant-Colonel Braybrooke, for many years his predecessor, "is decidedly of opinion, from 25 years' experience in the department, that it would be impossible to do away with the civil store of the Commissariat, either in Colombo or at the out-stations." Captain Price, Assistant Commissary-General, "thinks that the civil store branch must be maintained for the present at all events."

Notwithstanding these strong expressions of opinion on the part of officers of experience in the department that it could not be done away with without detriment to the public service, we still agree with the conclusions of the committee appointed by the Secretary of State, and we think that the detriment to the public service consequent on the reduction of this department, if any such should ensue, should be encountered and accepted. As we have already stated, in treating of the contract system as applicable to public works, we think it preferable that the colony should have less perfect arrangements for the supply of stores, and inferior tools and supplies for the department of public works, rather than that it should keep up so costly and so anomalous an establishment as the present Colonial Commissariat.

We think that the want of a proper check on its accounts is of itself a sufficient reason for the change we recommend in this department. The system on which it is at present worked

worked is as follows:—A yearly requisition is sent to England of the probable amount of stores, &c., which will be required for the preceding year, which requisition is founded on the average of previous years, and on the returns called for from the respective working departments. This requisition, before it is finally decided on, is submitted to a committee consisting of three of the principal Government servants in Colombo. It is then forwarded to the agent of the colony in London, who transmits it to the Board of Ordnance in England. The Board of Ordnance execute the order, and send the articles applied for (with the exception of stationery and salt provisions) to the Ordnance Department in the colony, by which they are handed over to the Commissariat store. The stationery applied for is supplied from the Queen's Stationery Office in London, and is transmitted direct to the Commissary here. The salt provisions are supplied by the Queen's Navy-yard at Deptford, and are also transmitted direct to the Commissary here with their invoices. The invoices of all other articles are received by the Ordnance Department here, and by it handed over to the Deputy Commissary-general with the goods. The Ordnance Department in England add 10 per cent. to the invoice prices of the articles to cover the expenses of freight and landing in the colony, and 5 per cent. more for their departmental expenses. The Commissariat Department here in issuing the articles add 25 per cent. on their gross cost as delivered by the Ordnance, thus issuing every article at an advance of $43\frac{1}{2}$ per cent. on its prime cost. No provision is made for insurance of the articles while on board ship, nor on account of risk by fire while lying in the stores here. And no account is kept of wastage, except on arrack, rice, articles of food, and paint oil, and no annual per centage for depreciation is estimated.

So circuitous and inconvenient a method as this of supplying stores to the colony could hardly be imagined elsewhere, and could not have grown up here without years of neglect and inattention to its details.

But besides the inconvenience attendant on the system, in its working on the provision of stores, &c., from England, it appears to us that there are also some grave administrative defects in its immediate working here, defects which resolve themselves chiefly into the impossibility of the exercise of a proper check on its operations, and of which we proceed to enumerate a few instances.

1st. The departments of Public Works draw monthly large quantities of timber for conversion. The Commissary-general strikes this timber off his return, on the receipt of the head of the department of Public Works to which it is issued. But no subsequent account is rendered, and it is not shown what each monthly supply drawn upon receipt has produced before a second demand is made. This clearly opens a door to possible abuse, and would enable any officer at the head of the Department of Public Works to short account for as much timber as he pleases.

2d. When supplies of stationery and other articles are received from England, the Commissary-general prepares a return of them to which he obtains the signature of the Colonial Secretary. This return is sent to support his accounts in audit, but whether the quantities appearing in it are the actual quantities originally shipped from England for the Government the Auditor-general has no means of ascertaining.

3d. Purchases of various articles of furniture for the Queen's House at Colombo, and Pavilion at Kandy, are made by the Commissariat Department, returns of which are made to the Secretary of State. But whether such furniture ever reaches its destination or not, the Auditor-general cannot officially ascertain, no return of the same being made to him.

4th. At the end of every half year it is usual for the Commissary-general to apply for authority to strike off wastages on provisions. That the mode in which this wastage is ascertained cannot be a very accurate one, the following instance will show:—An application was made by the Commissariat officer in Kandy to be allowed to strike off the following deficiencies in the half-year ending 30th June, 1845, viz., sugar, 74 lbs.; arrack, 300 gallons; oil, 15 gallons. This application was granted: six months after, on the stores being handed over to another officer, the following surplus was found to exist, viz., sugar, 427 lbs.; arrack, 346 gallons; oil, 314 gallons.

We need not multiply instances of these irregularities, but we think that enough has been said to show that this department is not only cumbersome and expensive, but as an accounting department, unsafe. We therefore recommend, in accordance with the Committee appointed by the Secretary of State, that the civil branch of this department be discontinued, and the military branch be put on the same footing as the Commissariat Department in other colonies.

AGENT GENERAL IN LONDON.

Agent-General in
London.

Under this head a sum of 525*l.* is annually paid by the colony, viz., 400*l.* as salary to the agent-general, and 125*l.* for his office expenses.

The duties of the agent, who is also agent for the other Crown colonies, are confined, as regards Ceylon, to the payment of half-salaries and pensions to absent or retired public servants, resident in England, to the payment to the Board of Ordnance of the amount due for colonial stores, and to the settlement of the transaction between the Colonial Treasury and Her Majesty's Paymaster-general, on account of advances to the troops stationed in the island.

It has been suggested to us, that in the event of our proposal for doing away with the civil branch of the Commissariat Department, a saving might be effected of this sum, now

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annually paid to the agent-general in London, arrangements being made for the payment of half-salaries, of pensions by remittances direct to the Imperial Treasury, or to some private bank in England. Considering, however, the smallness of the sum now paid, and the many conveniences that result from having an agent for the colony resident in London, we are not prepared to recommend the adoption of this suggestion.

One important change, however, in the present system, is, we conceive, urgently called for. The agent-general is at present, as far as the colony is concerned, an irresponsible and non-accountable officer. An account current of his receipts and payments is indeed transmitted quarterly to the local Government, but it is unaccompanied by any vouchers or authorities, and unchecked by the Auditor-general. We believe, or at least presume, for we have no documentary evidence on the spot to prove the fact, that his accounts are examined and checked at the Audit Office in London. But even if this be the case, it is not, we conceive, a proper or sufficient control, and we recommend that in future the accounts of the agent-general be forwarded quarterly, with proper vouchers and authorities to the Auditor-general here, to be by him examined and checked in like manner as the accounts of any other colonial accountant. We have now completed the task imposed upon us by the instructions of the Secretary of State, of reviewing in detail the whole of the fixed establishments of the colony and submitting such reductions and modifications therein as appear to us practicable, advisable, and safe.

J.

The annexed table will show the comparative expense of the present, and proposed establishments in the Revenue and Judicial Departments, as regards the salaries of their heads. It would be difficult, not to say impossible, to frame any estimate approaching to accuracy of the saving to be effected by the proposed reduction in the departments of Public Works by the introduction of the contract system. Some little time will be necessary to enable us to judge of the working of that system. We anticipate from it, however, a considerable reduction of annual expense.

K.

The state of the colonial revenue, even after the last two years of comparative depression, and temporary disturbance of the public tranquillity, is such as to induce us to believe that the retrenchments in the fixed establishment which we have already proposed, coupled with those that we are about to suggest in the contingent expenditure of the colony, will be amply sufficient not only to reduce the expenditure to the level of the receipts of the Colonial Treasury, but also to insure an annual surplus. Should this, however, not be the case, we recommend that any further reduction of the fixed establishments that may be deemed necessary hereafter be imposed in the shape of an income-tax of 5 or 10 per cent., as the exigencies of the case may require, on all salaries of the net amount of 25*l.* sterling per annum, or any higher sum, such tax to be payable only so long as the state of the colonial finances may render it necessary. The table annexed will show its estimated annual amount. Our reasons for this proposal are,—1st. That having taken much pains in adjusting the future rate of salaries, on what appeared to us the most equitable, and at the same time the most strictly economical scale consistent with justice and probable efficacy, any further reduction would, in our opinion, be unadvisable *per se*, and should be carried out, only as a measure of common necessity, pressing equally and proportionally on all; and 2d. That admitting the existence of such temporary necessity, we think it desirable so to provide for encountering it, as to give to every public servant a direct interest in all that lies in his power to shorten the period of its duration. The expediency of exempting from its operation salaries below the minimum rate which we have fixed is too obvious to require any comment. In the event of the future imposition of such temporary income-tax, we think that its operation should be extended to all pensions payable out of the colonial revenue, in consequence of contributions paid into that revenue during the period of service, not including, however, such pensions as are payable in consequence of direct contributions to a special fund, such as the Old Civil Service Pensions and Widows' Fund.

Having thus completed our review of the fixed establishments, we conceive that we should have ill-performed our task were we not to follow it up by some suggestions on the contingent expenditure also. Many of the heads of that branch of the annual expenditure are indeed so intimately connected with that of the establishments that it would be impossible for us to act up to the spirit of the Secretary of State's despatch without treating of the one as of the other branch of the expenditure. Without therefore going into details, which may more properly be left to the ordinary course of regulation and check exercised by the local Government, we proceed to offer a few general suggestions on each head of contingent expenditure as classified and enumerated in the annual schedules under the new forms of account, taking here also, as in the fixed establishments, the estimate for the current year as the basis of our calculations.

No. 1.

No. 1.

Being merely a "recapitulation of the foregoing establishments," calls for no remark.

No. 2. Pensions and Retired Allowances.

No. 2.—PENSIONS AND RETIRED ALLOWANCES.

The amount of this charge on the colonial revenue is, as will be seen by the schedules, very considerable, being estimated for the current year at no less than 36,973*l.* 12*s.* 2½*d.* Of this amount, the sum of 13,950*l.* is payable on account of the old Civil Service Pension Fund, formerly a separate fund formed by contributions from civil servants, but merged

merged in the general revenue in 1832. By the despatch of Viscount Goderich, then Secretary of State for the Colonies, to Sir R. Wilmot Horton, then Governor of Ceylon of the 23d March 1833, those gentlemen who then belonged to the civil service were to have a specific claim on the Government for those pensions to which they were entitled under the regulations of the Civil Fund, on proof being given that their subscriptions had been duly paid in conformity with them. Since that period the granting of pensions to all servants of the Government has been regulated by the provisions of the Act of Parliament (4 & 5 Will. 4, chap. 24), commonly called the Superannuation Act. All pensions, however, whether enjoyed under the old or the new regulations, are alike paid out of the colonial revenue, the deduction of 5 per cent. on all salaries being also paid into the general revenue.

The amount of annual receipts to meet this charge is estimated in the schedules for the current year, as follows:—

	£.	s.	d.
Abatement on salaries - - - - -	3,633	6	11
Subscription to Civil Fund - - - - -	73	-	-
Subscription to Widows' Fund - - - - -	748	-	-
Dividend on 27,647 <i>l.</i> 10 <i>s.</i> 10 <i>d.</i> in the 3 per Cent.			
Consols (Widows' Fund) - - - - -	829	-	-
TOTAL - - -	£. 5,283	6	11

As the sum estimated for the current year on account of civil pensions alone amounts to 11,200*l.* 11*s.* 2½*d.*, it follows that the expenditure on account of pensions, under the present system, is more than double the amount of the receipts. But besides this amount of 11,200*l.* 11*s.* 2½*d.*, payable under the present system, there is a further sum, as we have seen above, of 13,950*l.* on account of the Old Civil Fund Pension, the funds for the proper provision for which were merged in the general revenue in 1832. There is also a further sum of 2,700*l.* payable to widows, against which, as shown above, there is a receipt of 829*l.*, being the dividend on 27,647*l.* 10*s.* 10*d.* invested, we have not been able to discover at what time, or by what authority, in the 3 per Cent. Consols. We see no reason why this sum should remain invested in the English funds. It does not appear to be specially affected to the payment of widows' pensions, seeing that the dividends are regularly received by the agent in London, and placed to the credit of the general revenue of the island. There is therefore no reason why the principal should continue separate from the general revenue, which is burdened with the payment of the pensions of the Widows' Fund already, as shown above, more than three times the amount of this annual dividend. We therefore recommend that this sum of 27,647*l.* 10*s.* 10*d.* be at once paid into the Colonial Treasury.

Besides these three different classes of pensions above enumerated, there is a further sum of 6,173*l.* 1*s.* on account of military pensions, towards which there are no receipts whatever by the general revenue, and a sum of 2,950*l.* under the head of Pensions and Allowances to Kandyan State prisoners in the presidency of Madras.

We submit a few suggestions respecting each class of pensions:—

1st. As regards the pensions under the Old Civil Fund, this charge will of course be a gradually decreasing one, no person being entitled to a pension out of it who was not in the civil service in the year 1832. The good faith of the Government is pledged to its payment, the fund itself having been appropriated by the Government under the orders of the Secretary of State.

2dly. The same remark is applicable to the Widows' Fund, which we have before recommended to be merged also into the general revenue.

3dly. With reference to the pensions now paid to all other Government servants under the regulations of the Superannuation Act, we see no objection to the further continuation of the system as regards clerks and other officers of Government who are likely to be resident in the island after the expiration of their time of service, that is, when by age or infirmity they are entitled to a provision under that Act. But we propose, before concluding this Report, to submit a plan for the re-constitution of a civil service, and as we think it an essential element in the efficiency to be expected from such service that there should be provision made for a separate and independent pension fund beyond the control of the local Government, we recommend that all persons composing the civil service of Ceylon, as enumerated in the table to be hereinafter inserted, do contribute a per-centage on their salaries to a special fund, to be lodged in the hands of trustees in England, and by them invested in the public funds, out of which fund pensions shall be payable according to rules analogous to those of the old civil service and of the pension funds of the East India Company. As the necessary elements for calculating the proper amount of such deductions and such pensions are not easily attainable here, we would submit that the Secretary of State be requested to determine them, and we are of opinion that such arrangement, while it would lighten the burdens of the general revenue, would also tend to instil into the members of the service a very desirable sense of personal independence by the consciousness it would give them of being certain of a suitable provision in their native country after the expiration of their period of service in the colony. As in the first instance the per-centage deducted from salaries might not furnish a sufficient sum to pay the whole amount of such pensions, we would recommend that a fixed sum be annually paid out of the general revenue in aid of this fund till such time as it may be

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able to support itself and defray its own charges. We also recommend that provision be made in the same manner for a pension fund for widows and children under similar regulations and conditions.

4thly. The military pensions now paid form a considerable and frequently overlooked item in the military expenditure of the colony. They amount, as we have seen in the schedules for the current year, to 6,173*l.* 1*s.* We are not prepared to suggest any plan by which this sum may be reduced. The non-commissioned officers and men of the Ceylon Rifle Regiment, who are its principal recipients, are old and useful servants of the Government, and well worthy of a suitable provision for old age. But we think that this charge, in conjunction with the other direct military expenditure incurred by the colony, should be taken into consideration as another ground for its exemption from the extra payment of 24,000*l.* a year so frequently brought to the notice of Her Majesty's Government.

5thly. The pensions and allowances to the Kandyan State prisoners should also, by degrees, diminish in amount as the original recipients of them and their immediate families disappear. We understand, however, that these families are often artificially kept up by a system of adoptions, which we think should not be recognised by the British Government.

No. 3. Revenue Services.

No. 3.—REVENUE SERVICES (exclusive of Establishments).

The charge estimated under this head in the schedules for the current year amounts to 12,833*l.* 9*s.* 6*d.*, of which the principal items are 6,479*l.* 3*s.* 6*d.* under the head of salt, 2,997*l.* 15*s.* under that of grain, and 1,119*l.* 16*s.* under that of arrack. As these charges fall more properly under the head of revenue than that of expenditure, and are, therefore, foreign to our present purpose, we do not enter into any detailed review of them. The first item, viz., the expense of collecting and storing salt, appears large, being above 18 per cent. on the gross revenue.

No. 4. Administration of Justice.

No. 4.—ADMINISTRATION OF JUSTICE (exclusive of Establishments).

The estimate for the current year under this head is 4,695*l.* 19*s.* Of this sum nearly the half, viz., 2,250*l.* is for circuit expenses of the Supreme Court, which, under the new scheme of judicial establishments now proposed by us, will be saved. The remainder is composed of witnesses' expenses, coroners' expenses, and travelling expenses consequent thereupon. By the establishment of local criminal courts these witnesses' expenses will also, we trust, be considerably diminished.

No. 5. Ecclesiastical.

No. 5.—ECCLESIASTICAL (exclusive of Establishments).

Under this head is estimated for the current year a sum of 900*l.*, consisting of donations in aid of missions to various religious bodies. It is understood that in the ensuing year the amount will be diminished in consideration of the low state of the colonial finances.

No. 6. Charitable Allowances.

No. 6.—CHARITABLE ALLOWANCES.

The attention of the Legislative Council has already been directed to this head of expenditure, estimated for the current year at 3,982*l.* 8*s.* Of this sum 720*l.* is the expense of the up-keep of an orphan asylum in Colombo, 483*l.* donations to different friend-in-need societies throughout the island, and 2,629*l.* direct pecuniary relief to paupers, of which 1,300*l.* are given away in Colombo alone. This last item especially needs revision.

No. 7. Education.

No. 7.—EDUCATION (exclusive of Establishments).

Under this head is estimated the sum of 2,076*l.* 4*s.*, being chiefly for the contingent expenditure of schools, and allowances in aid of schools not established by the Government. We have no reduction to recommend in this sum; but trust, on the contrary, that it may be increased when the state of the colonial revenue and the augmented desire for education among the people will allow it.

No. 8. Hospitals.

No. 8.—HOSPITALS (exclusive of Establishments).

This is an estimated charge of 5,237*l.* in addition to the already heavy expenditure of the Colonial Medical Establishment. Considerable stand savings have already, we understand, been effected under this head of late years, and we think that a rigid supervision of details might effect a further reduction.

No. 9. Police and Gaols.

No. 9.—POLICE AND GAOLS (exclusive of Establishments).

This is a sum of 6,590*l.*, chiefly for provisions to prisoners in gaol, and must, like the last item, be the subject of minute revision in the proper departments.

No. 10.

No. 10.—RENT.

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Under this head is estimated a sum of 2,034 *l.* 12*s.*, of which 771 *l.* 5*s.* for rent of buildings occupied as schools in the different provinces, and the remainder for rent of private premises for official purposes, in places where there are no buildings belonging to Government applicable to such purpose. We have no suggestions to offer on this head.

No. 10. Rent.

No. 11.—TRANSPORT.

No. 11. Transport.

This head includes the travelling expenses of all public officers throughout the island, which are calculated on a scale of daily allowance according to their different rank. The amount estimated for the current year is 6,926 *l.* 16*s.* 6*d.* The Government have, within the last year, laid down additional regulations, with a view to the proper check and control of this expenditure.

No. 12.—CONVEYANCE OF MAILS.

No. 12. Convey-
ance of Mails.

This is a sum of 1,767 *l.* 10*s.*, in addition to the regular expenditure of the Post-Office Department, to defray the charge of the conveyance of mails by contract on the great line of road from Galle to Kandy, and other minor stations. It does not appear to call for any particular remark.

No. 13.—WORKS AND BUILDINGS.

No. 13. Works and
Buildings.

The estimated amount under this head for the current year is 11,629 *l.*, of which 7,410 *l.* to be expended by the Civil Engineers' Department, and 4,219 *l.* for military works by the Royal Engineers. This last item should be borne in mind in estimating the annual military expenditure of the colony.

We have already, in treating of the department of Public Works, suggested the modifications that appeared to us to be called for in the present system.

No. 14.—ROADS, STREETS, AND BRIDGES.

No. 14. Roads,
Streets, and
Bridges.

The remark just made is applicable also to this head of expenditure. The amount estimated for the current year is 43,573 *l.*

No. 15.—MISCELLANEOUS SERVICES.

No. 15. Miscel-
laneous Services.

This head of expenditure, estimated for the current year at 7,545 *l.* 2*s.*, includes a variety of small charges, the particulars of which will be found in the schedules. It will be noticed that many of the items, such as 200 *l.* for refund of surcharges, 1,700 *l.* for surveying, &c., are not, in fact, items of direct expenditure, but partake of the nature of advances.

No. 16.—INTEREST.

No. 16. Interest.

Under this head provision is made for the payment of a sum of 311 *l.* 7*s.* 6*d.*, being the interest on the amount of Credit Breven, a funded debt assumed by the British Government at the time of the occupation of the island.

No. 17.—COLONIAL COMMISSARIAT.

No. 17. Colonial
Commissariat.

The sum estimated for the current year under this head was 39,413 *l.* This amount includes the expense of the various stores, tools, stationery, &c., supplied to the different civil departments in the island, as well as the provisions, arrack, &c., issued to the troops. In treating of the fixed establishments we have already recommended the abolition of the civil branch of this department, and the establishment of the military branch on the same footing as the Commissariat Department in other colonies.

No. 18.—CONTRIBUTION TOWARDS MILITARY EXPENDITURE.

No. 18. Contri-
bution towards
Military Expen-
diture.

The subject of this annual payment of 24,000 *l.* in the Queen's Chest over and above the other military charges of the colony has been so often brought to the notice of Her Majesty's Government, and the arguments against its continuance on grounds of policy as well as of justice, have been so frequently and so strongly urged, that we need say no more than simply to record our opinion and advice that it should be forthwith discontinued.

No. 19.—COLONIAL PAY AND ALLOWANCES.

No. 19. Colonial
Pay and Allow-
ances.

The military force stationed in Ceylon consists of two European regiments and one native regiment, besides a corps of Gun Lascars and one of Mounted Orderlies. There is also a company of the Royal Artillery, and a lieutenant-colonel and six other officers of Engineers. To command this force there is a major-general, with one aide-de-camp, an assistant military secretary, a deputy adjutant-general, and a deputy quartermaster-general, and staff officers at Colombo, Trincomalie, Galle, and Kandy, all with establishments of clerks, &c., paid out of colonial funds. The total amount of colonial pay and allowances

CEYLON.

£.	s.	d.
11,987	6	9½
21,000	—	—
6,173	1	—
4,219	—	—
2,450	—	—
7,270	—	—
£. 86,099	7	9½

for the current year is 41,987*l.* 6*s.* 9½*d.*, of which 14,353*l.* 16*s.* to the European troops, 14,621*l.* 12*s.* 9½*d.* to native troops, and 13,011*l.* 18*s.* to general and garrison staff. This sum, however, as we have already remarked, by no means represents the whole annual expenditure of the colony for military purposes. To it must be added, in the first place, the sum of 24,000*l.* direct contribution to the military chest; secondly, the sum of 6,173*l.* 1*s.*, being the amount of military pensions; thirdly, the sum of 4,219*l.* for military works; fourthly, the sum of 2,450*l.*, being expense of the Barrack Department under the Colonial Commissariat; fifthly, the difference between 13,080*l.*, the estimated amount of ration stoppages from Her Majesty's troops, and 20,350*l.*, the estimated expenditure of the Provision Department of the Colonial Commissariat, viz., 7,270*l.*; in all, 86,099*l.* 7*s.* 9½*d.*

This amount for so small a force is evidently most disproportionate; and it seems to us that it would be possible to make considerable reductions without impairing the efficiency of the troops, or making any unfair diminutions from the island allowances, so reasonably granted to officers on tropical duty.

In the staff especially we think there is room for much safe and profitable retrenchment. In so small a command as this, there is certainly not sufficient occupation for an assistant military secretary, a deputy adjutant-general and a deputy quartermaster-general; and we think that one or more of these officers might be dispensed with. It would further be desirable if the military authorities in England would consent to appoint a colonel on the staff to command the whole of the troops in the island, and be commandant of the Fort of Colombo; for however deserving a general officer may be of reward and emolument on imperial grounds, the expense thereby entailed on the colonial revenue seems to us disproportionate to the result. With respect to the other staff appointments in the interior, we think that an allowance of 100*l.* per annum would be sufficient for the commandant at Trincomalie, and 200*l.* for the commandant at Kandy; and that the other commands of Putlam, Jaffna, Hambantotte, Badulla, Numera Ellia, and Galle, being more nominal than real, should be held by the senior officer at each place without extra pay.

In the Royal Engineer Department, whose colonial pay and allowances amount to 1,334*l.* 4*s.* 6*d.*, we think also that some reduction might be effected. We think that one captain and three subalterns would be amply sufficient for the wants of this station.

The principal medical officer's department is also a very expensive one, the colonial allowances to it amounting to 3,048*l.* 5*s.* 6*d.* One staff surgeon of the first class would, we think, be sufficient, and a lesser number of assistant surgeons for the Royal Artillery at Trincomalie and Kandy might be attended by the assistant surgeons of the regiments or wings of regiments stationed there, for which those medical officers might receive head money.

On the whole, we would submit the urgent necessity of inviting the attention of Her Majesty's Government and the military authorities in England to the enormous military expenditure of this island, so far beyond both its requirements and its means. By relieving the colonial revenue from the annual payment of 24,000*l.*, and effecting judicious and practicable retrenchments, especially in the general and garrison staff, an immense benefit may be conferred on the island, without any detriment either to the efficiency or to the just emoluments of the troops.

No. 20. Government Vessels.

No. 20.—GOVERNMENT VESSELS (exclusive of Establishments).

This head of expenditure consists of a sum of 556*l.* for provisions, stores, and repairs to the steamer "Seaforth," not included in the account of expenditure of its fixed establishment. In treating of that establishment we have already stated our opinion with respect to this item of expenditure.

No. 21. Refund of Duties.

No. 21.—REFUND OF DUTIES.

This, the last head of contingent expenditure, consists of a sum of 240*l.*, which cannot properly be considered expenditure, being merely a refund of duties overpaid.

Having thus passed in review the whole of the fixed establishments, and also the contingent expenditure of the colony, it remains for us only to submit our opinion on what in a general scheme of reform is perhaps the most important question of all.

The great want after all in the civil administration of the island, more especially of late years, has been the want of men; and this want we are disposed to attribute in a considerable degree to the abolition of the old pensioned service, as existing prior to 1833. A return therefore to the principle of that service is, we conceive, indispensably necessary to the efficiency and success of any administrative changes.

High-mindedness in the higher departments in the public service, in India at least, is incompatible with continued anxiety as to pecuniary means.

On the other hand, this island cannot pretend to pay to its servants salaries sufficiently high not only to enable them to live independently and liberally themselves, but also to make provision for their families.

Hence the absolute necessity of including provision for pensions in any scheme which has for its object the formation of an efficient high-minded body of public servants.

It is not consistent either with the efficient discharge of their duties, which in the offices of agent and assistant agent especially demands liberality in all arrangements as to service, methods of locomotion, &c., or with the proper respectability of the office, as judged

judged of by the people of the country, that much should be saved out of existing salaries. There is not much opportunity for mere display in an island like Ceylon, nor do the people look for it; but they do look for a decent liberality in household arrangements, and a disregard of expense for the attainment of objects connected with official obligations.

The old system, however, was too liberal in one respect, while it was singularly deficient in another; for, on the one hand, it allowed of retirement on pension after much too short a period of service,* while, on the other, it did not contain any provision for families. * 12 years.

We recommend a return to the system of an exclusive civil service, with some exceptions as to its exclusiveness, with provision for pensions, not to be claimable till after 18 years of service, and to be subject to the condition of contribution of a certain gross sum to the fund, and with provision also for pensions to widows and children.

The knowledge of the manners, habits, and, above all, of the languages of the people governed, is so essential an element in all Indian government and administration, that no sacrifice can be too great to ensure it; and, as a general rule, it can be ensured only by a regular course of training.

At the same time, in a country like this, where no efficient body of regularly trained public servants has been continually kept up, as in the neighbouring territories of the East India Company, we conceive that it would be dangerous, especially at first, to insist on a too rigorous adherence to the principle we have laid down.

We annex to this Report a comparative statement of the appointments as now existing, and of those we propose in the following departments; viz., the Supreme Court, the Superior Offices in Colombo, the Government Agencies, the Queen's Advocate's Department, the District Judges, and the Minor Courts. The existing number of appointments is 66, the proposed number 63.

Of these 63, we think that 41 should be confined entirely to the exclusive civil service, that is, that no one but a regularly appointed civil servant, according to the proposed scheme, should hereafter be nominated to any one of these appointments. The 22 that we would except, and that only partially from this rule, are the following:—

- 1.—The Chief Justice.
- 2.—The Queen's Advocate.
- 3.—The Sessions Judge of Colombo.
- 4.—The " Kandy.
- 5.—The " Galle.
- 6.—The " Jaffna.
- 7.—The Deputy Queen's Advocate, Colombo.
- 8.—The " Kandy.
- 9.—The " Galle.
- 10.—The " Jaffna.
- 11.—The " Trincomalie.

And the 11 Commissioners and Police Magistrates of Calpenty, Avisawella, Gampola, Kornegalle Haberenne, Bentottee, Matura, Mallagam, Point Pedro, Chavagacherry, and Kayts.

With regard to the appointments of Chief Justice, Sessions Judge, and Queen's Advocate, and his deputies, we think it possible that it may be found impracticable, for a time at least, to provide satisfactorily for them unless such exemption be made.

With regard to the 11 minor judicial appointments, we think the Governor should have a discretionary power to appoint to them either a civil servant or a person born in the country of native parents. We would not recommend that he should have the power to appoint an European other than a civil servant.

The rules as to the admission in the service as regards age, and the examination to be undergone, should remain as now provided for.

We also recommend that the system of writers should be continued, and that there be never less than four, nor more than six, actually in the island. Of these, one to be attached to the Government agents of Colombo, Kandy and Jaffna respectively; the others to be at the disposal of Government.

There should not, we think, be any distinction as to eligibility for nomination to a writership between natives and Europeans; but the native should be required to pass the same examination as the European, and to pass that examination in England.

The Governor should, we recommend, have the power to nominate to every third vacancy of writer from amongst such natives as might produce certificates of having passed the required examination.

We recommend, further, that the rule be laid down that no nomination be made of any person above 21 years of age as a writer.

The writers, after remaining a short time with the Government agents, would be competent for the less important of the minor courts, and it would be desirable that they should be appointed to them.

Though appointed to the higher offices, we recommend that they should not be allowed to draw anything above 300 l. a year until they had passed the required examination in the languages.

Perhaps the Indian rule might be adopted, of requiring the passing in two, Singhalese and Tamul, the one as the principal, the other as the secondary; in respect to which latter, a lower grade of proficiency might be required than as to the other; and though not made

CEYLON.

an obligation, encouragement so to do might perhaps be held out by a rule assuring those who passed such double examination of a preference on that account in selections for promotion.

Considering the limited numbers of the civil service in this island, it would not, we think, be practicable to make an entire division of it into the two branches of revenue and judicial service. And, indeed, a certain degree of experience in the revenue line may be considered essential to the formation of a good magistrate or judge, while experience as a magistrate is of equal importance to the agent or assistant agent. We think, however, that in the higher appointments this distinction should be observed, and that the higher judicial posts, on the one hand, and the Government agencies on the other, should be kept separate as two distinct classes of service.

The other appointments, not judicial or revenue, the holders of which are now members of the civil service, should not, we think, in the case of future appointments, form part of that service. We allude particularly to such especial branches as those of the postmaster-general, the surveyor-general, the civil engineer, and their assistants, the proper performance of whose duties would seem to require a special and quite different training from that of the regular members of the civil service.

Under the head of Pensions, we have already stated our opinion as to the necessity of a separate and independent pension fund for the civil service.

It is scarcely practicable to determine now in detail on what should be the course to be pursued, in the event of the introduction of the scheme we have laid down towards the present holders of offices. Some general outline, however, of the plan of proceeding may here be suggested.

It would be necessary, in order to avoid the certainty of the failure of the scheme to be productive of any substantial good, that these proceedings should be conducted in a spirit of considerable firmness, involving possibly some personal hardship to individuals, to whom, however, compensation should be given. The case of all holding appointments of a value not exceeding 300 £ a year, excluding augmentations, might be dealt with summarily, by assuming, as the general rule, that none of them should have a right to be admitted into the new service,—regularly admitted,—writers excepted.

None of them should be retained in those appointments even who had not passed an examination in a native language. And, further, any of the old and incompetent whom the operation of this rule did not remove, should be removed avowedly on the ground that their retention was inconsistent with the scheme of the service as re-arranged.

The test of language might, we think, be further made use of, and that very conveniently and without impropriety, in effecting, to a great extent, the desired selection from amongst the others.

The rules, if it can be said there are any at all under which these obligations respecting languages are now enforced, are extremely lax and vague.

Nothing appears to be laid down as to the standard of acquirement expected by the Government, and no opinion called for as to whether the person examined possessed such acquirements as to entitle him to be considered passed, nor, we believe, does the Government convey even to himself any formal expression of opinion or decision upon this point.

The custom formerly was to require such expression of opinion from the examiners, and the decision of Government, if favourable, was to the effect of admitting the possession of such acquirements as to entitle the party to promotion, but at the same time calling attention to the consideration that it was expected that the study of the language, to the attainment of a more perfect acquaintance with it, should be pursued.

Though it may not have been expressed of late years, this expectation of the Government must be inferred to be known to all, as well from consideration of the obvious purpose of requiring any examination at all, as from the fact of its having been formerly the practice to declare it.

We think, therefore, that reference might be made to it, and notice given of the intention to subject all civil servants, up to a certain grade, to re-examination as to the extent of their present acquaintance with the languages.

As, however, there are divers gentlemen now in the service of such administrative capacity and general merit as to render them valuable servants of Government, though not possessing a knowledge of the languages; and as from the greater diffusion of the English language in many parts of the island, such knowledge of the vernacular, though highly desirable, is not so absolutely essential as in the neighbouring territories of the East India Company, we think that inability to pass a satisfactory examination should not operate as a positive exclusion from the new service. The rule should be general, but subject to the exception of peculiar cases which the Governor might think fit to represent for the decision of the Secretary of State. In all cases of compensation on compulsory retirement, the amount should suffer diminution by reason of non-acquaintance with the language to a degree proportionate to the length of service.

Every one knows the importance attached to it, and every one in the service without such knowledge may be said to be so, more or less, on sufferance only, though cases of the kind may vary much in character from difference in the manner and extent to which the Government has abstained from or waived the enforcement of the rule.

Then, as applicable to all grades, age, infirmities, and general consideration might be urged as reasons for enforcing the retirement of some whom it might not be advisable to retain. Thus, though we should not propose the enforcement of the test as to language, even

even with the modifications we have suggested, to officers so high in the service as Government agents, yet a Government agent, for instance, who is required to travel, and who, from continued ill health, never does travel (if any such there be), might fairly be told that the interests of the public service required his retirement. And men of mature or declining years, occupying very subordinate appointments, might be told that their retention of them was quite inconsistent with and would impede the working of the scheme of the new service.

Such are the general principles on which we submit that a reform and renovation of the present system should be founded. It would be difficult at present to carry the detailed explanation of them any further. The several proceedings we have suggested would, we think, effect a great deal without much difficulty; and compensation for what might be necessary to ensure the fair trial of the scheme of the new service ought not to be grudged. Ceylon is perfectly capable of paying a few thousands of pounds for such an object, and it would be difficult to assign a limit to what it would be for her true interests to pay for its attainment.

To lay down absolute rules, as has sometimes been done without consideration of the merits of a case, that no charge on the public funds be made for this or that object, is, we think, most mischievous, and interferes most injuriously with all plans of real reform, based on real wants and necessities, and having for their end and aim the most practical means of meeting them.

We would therefore submit, through your Excellency to the Secretary of State, the expediency of intrusting to the local Government, subject to his approbation and control, the exercise of large discretionary powers, with a view to carrying out the proposed arrangements, at the expense even of some immediate pecuniary sacrifice.

The suggestions for simplification of the public accounts, to which we have adverted as part of our scheme of reform, will be laid before your Excellency by one of our number, the Auditor-general and Comptroller of Revenue.

We have, &c.
(signed) *J. Emerson Tennent.*
F. J. Temple.
C. J. MacCarthy.

His Excellency the Governor,
&c. &c. &c.

Enclosure, No. 2.

Enclosure, No. 2.

APPENDICES REFERRED TO IN THE REPORT.

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If spare copies of Appendices D. and E. can be found, they will be forwarded by the next mail.

Appendix B.

Appendix B.

STATEMENT, showing the Area and Population of the different PROVINCES in the Island of Ceylon, as at present, and as proposed.

AS AT PRESENT.			AS PROPOSED.			
Province.	Area.	Population.	Area.	Population.	Area of the District under the immediate charge of the Government Agent.	Population of the District under the immediate charge of the Government Agent.
Western - -	3,820	459,197	4,154	499,678	1,190	331,478
Southern - -	2,147	265,589	2,147	265,589	652	119,875
Eastern - -	4,753	69,992	7,705	114,274	2,005	14,650
Northern - -	5,427	299,697	3,019	255,415	672	220,372
Central - -	5,191	184,776	7,675	323,403	824	111,410
North Western -	3,362	179,108	—	—	—	—

C. J. MacCarthy.

REPORT OF THE COMMITTEE OF EXECUTIVE COUNCIL

Appendix C.

COMPARATIVE SCHEDULE, showing the Former and Present Number of District Judges, &c., and the Cost of the Old and New System.

BEFORE 1845.		SINCE 1845.	
Former Establishment of District Judges.		Present Establishment of District Judges, Magistrates of the Police Courts, and Commissioners of the Courts of Requests.	
	£. s. d.		£. s. d.
District Judge of Colombo, No. 1, South { H. C. Solby, Esq. C. Temple, Esq. (acting)	1,200 - -	District Judge of the District Court of Colombo - { H. C. Solby, Esq. C. Temple, Esq. (acting)	1,200 - -
" " No. 1, North { W. H. Whiting, Esq. (absent on leave) £. 500 J. G. Hillebrand, Esq. (acting)	1,000 - -	Commissioner of the Court of Requests of Colombo - H. J. Staples, Esq.	400 - -
" " No. 2 - C. P. Walker, Esq.	575 - -	Police Magistrate of Colombo - J. Dalziel, Esq.	400 - -
" " No. 4 - T. Lavalliere, Esq.	650 - -	District Judge of the District Court, Commissioner of the Court of { C. P. Walker, Esq. Requests, and Police Magistrate of Negombo - T. Lavalliere, Esq.	575 - -
" " No. 6 - { F. Price, Esq. (absent on leave) £. 137 10 T. C. Power, Esq. (acting)	275 - -	Commissioner of the Court of Requests and Police Magistrate of { Calura - T. Lavalliere, Esq. Bentotte - T. L. Gibson, Esq.	650 - -
Chilaw and Putlam - W. G. Forbes, Esq.	287 10 -	District Judge of the District Court, Commissioner of the Court of { F. Price, Esq. (absent on leave) £. 137 10 Requests, and Police Magistrate of Ratnapura - T. C. Power, Esq. (acting)	275 - -
Manaar and Muvera - { J. Caulfield, Esq. Kalawiya - J. Price, Esq.	730 - -	District Judge of the District Court, Commissioner of the Court of { F. De Livera, Esq. Requests, and Police Magistrate of Matura - J. H. Rabinel, Esq.	1,000 - -
Jaffna - J. Price, Esq.	1,000 - -	Commissioner of the Court of Requests, and Police Magistrate of { Tangalle - J. H. Rabinel, Esq.	650 - -
Walligammo - W. K. Burleigh, Esq.	225 - -	District Judge of the District Court, Commissioner of the Court of { P. W. Braybrooke, Esq. Requests, and Police Magistrate of Hambantotte - W. G. Forbes, Esq.	225 - -
Waddemoratche - P. F. Toussaint, Esq.	225 - -	Commissioner of the Court of Requests, and Police Magistrate of { Chilaw and Putlam - S. Casie Chetty, Esq.	287 10 -
Tennoratche - E. J. Wood, Esq.	225 - -	Calpenyn - Commissioner of the Court of { J. Caulfield, Esq.	200 - -
The Islands - S. Ambalawanam, Esq.	157 10 -	District Judge of the District Court, Commissioner of the Court of { J. Caulfield, Esq.	365 - -
The Wanny - C. A. Vanderstraaten, Esq.	225 - -	Requests, and Police Magistrate of Manaar - G. R. Mercer, Esq.	350 - -
Amblangodde - J. J. Krickenbeck, Esq.	225 - -	" " of Muverakalawiya - J. Price, Esq.	1,000 - -
Galle - A. Stewart, Esq.	1,000 - -	District Judge of the District Court of Jaffna - W. K. Burleigh, Esq.	400 - -
Matura - F. De Livera, Esq.	650 - -	Commissioner of the Court of Requests, and Police Magistrate of { Jaffna - P. F. Toussaint, Esq. " " of Point Pedro - E. J. Wood, Esq. " " of Chavagacherry - S. Ambalawanam, Esq. " " of Cayts - C. A. Vanderstraaten, Esq. " " of Mullettove - C. P. Layard, Esq.	225 - - 225 - - 225 - - 225 - - 1,000 - -
Tangalle - J. H. Rabinel, Esq.	225 - -	District Judge of the District Court, Commissioner of the Court of { C. P. Layard, Esq.	425 - -
Hambantotte - P. W. Braybrooke, Esq.	287 10 -	Requests, and Police Magistrate of Trincomalie - R. Atherton, Esq.	1,000 - -
4 and 3 Korles - F. R. Power, Esq.	325 - -	District Judge of the District Court of Kandy - J. J. Staples, Esq.	800 - -
7 Korles - J. Armour, Esq.	650 - -	Commissioner of the Court of Requests and Police Magistrate of { Kandy - A. Walker, Esq.	650 - -
Kandy, South - J. J. Staples, Esq.	1,000 - -	District Judge of the District Court, Commissioner of the Court of { J. Armour, Esq.	325 - -
" North - A. Walker, Esq.	800 - -	Requests, and Police Magistrate of Kurnegalle - E. R. Power, Esq.	150 - -
Matelle - E. S. Waring, Esq.	600 - -	Commissioner of the Court of Requests and Police Magistrate of { Kaigalle - Captain C. Kilson " " of Muvera Elia - E. S. Waring, Esq.	600 - -
Muvera Elia - Captain Kilson, Ceylon Rifle Regiment	150 - -	District Judge of the District Court, Commissioner of the Court of { E. S. Waring, Esq.	365 - -
Badulla - J. G. Layard, Esq.	365 - -	Requests, and Police Magistrate of Matelle - J. G. Layard, Esq.	300 - -
Trincomalie - C. P. Layard, Esq.	1,000 - -	Commissioner of the Court of Requests and Police Magistrate of { E. H. Smedley, Esq.	15,080 - -
Batticaloa - R. Atherton, Esq.	425 - -	Galle - E. H. Smedley, Esq.	14,477 10 -
			602 10 -
			£.
			15,080 - -
			14,477 10 -
			602 10 -
			£.
			Deduct Amount of former Establishment - - -
			Increase - - -

(True Copy.)
C J. MacCarthy.

Appendix D.

CEYLON.

Appendix D.

ACT No. 4 of 1840.

AN ACT for preventing Affrays concerning the Possession of Land, and for providing Relief in Cases of Forcible Dispossession, within the Presidency of *Fort William*, in *Bengal*.

1. WHEREAS it is expedient to remove doubts which have arisen upon the interpretation of Regulation 15 of 1824, and to amend the law for preventing affrays concerning the possession of land, and for giving relief in cases of forcible dispossession, and to extend it to cases not hitherto provided for, and to make it applicable to persons of every class or description, whether British-born subjects or others :

It is hereby enacted, that Regulation 49 of 1793, Regulation 14 of 1795, Regulation 32 of 1803, section 5, Regulation 6 of 1813, Regulation 15 of 1824, and Regulation 2 of 1829, of the Bengal Code, together with so much of any regulation as extends any of the above regulations, or parts of regulations, to any places within the Presidency of *Fort William*, in *Bengal*, be repealed.

2. And it is hereby enacted, that whenever any magistrate, or other officer exercising the powers of a magistrate, may be certified that a dispute likely to induce a breach of the peace exists concerning any land, premises, water, fisheries, crops, or other produce of land, within the limits of his jurisdiction, he shall record a proceeding, stating the grounds of his being so certified, and shall call on all parties concerned in such dispute (whether proprietors, dependent talookdars, farmers, under-farmers, ryots, or other persons), to attend his court in person, or by agent, within a reasonable time, and to give in a written statement of their respective claims as respects the fact of actual possession of the subject of dispute. And the magistrate or other officer as aforesaid shall, without reference to the merits of the claims of any party to a right of possession, proceed to inquire what party was in possession of the subject of dispute when the dispute arose; and after satisfying himself upon that point, shall record a proceeding declaring the party whom he may decide to have been in such possession to be entitled to retain possession until ousted by due course of law, and forbidding all disturbances of possession until such time; and if necessary the magistrate, or other officer as aforesaid, shall put such party into possession, and maintain him in possession, until the rights of the parties disputing be determined by a competent court.

3. And it is hereby enacted, that if the magistrate or other officer as aforesaid shall, in the case mentioned in section 2 of this Act, be unable to satisfy himself as to what party was in possession of the subject of dispute when the dispute arose, he may attach the subject of dispute until the rights of the parties be determined by a competent court, giving the collector information of the attachment; and if the subject of dispute be land, the provisions of Regulation 5 of 1827, regarding attachment by order of a zillah or city court, shall apply to attachments by order of a magistrate, or other officer as aforesaid, made under this section.

4. And it is hereby enacted, that if any party shall complain to a magistrate, or other officer as aforesaid, that he has been without authority of law forcibly dispossessed of any land, premises, water, fisheries, crops, or other produce of land within the jurisdiction of such magistrate or other officer as aforesaid, whether the same were possessed by such party as proprietor, dependent talookdar, farmer, under-farmer, ryot, or otherwise, the magistrate or other officer as aforesaid shall require the party or parties complained against, and any other parties concerned, to appear and make defence in person or by agent within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent court: provided that no such order shall be passed, unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession.

5. And it is hereby enacted, that if, in cases instituted under this Act, the subject of dispute be newly formed land, whereof it shall appear to the magistrate or other officer as aforesaid, that no party has ever had possession, the magistrate or other officer as aforesaid shall award possession to the party to whom the right of possession belongs according to law or custom, and shall maintain that party in possession until the right to possession be determined by a competent court.

6. And it is hereby enacted, that if a dispute arises concerning the right of use of any land or water, the magistrate or other officer as aforesaid within whose jurisdiction the subject of dispute lies may inquire into the matter; and if it shall appear to him that the subject of dispute was open to the use of the public, or of any person, or of any class of persons, the said magistrate or other officer may order that possession thereof shall not be taken or retained by any party to the exclusion of the public, or of such person, or of such class of persons, as the case may be, until the party claiming such possession shall obtain the decision of a competent Court, adjudging him to be entitled to such exclusive possession: provided that the magistrate or other officer as aforesaid shall not pass any such order as aforesaid, if the matter be such that the right of use is capable of being exercised at all times of the year, unless that right shall have been ordinarily exercised within three months from the date of the institution of the inquiry, or in cases where the right of use exists at particular seasons, unless such right has been exercised without discontinuance before the dispossession of which complaint is made.

7. And it is hereby enacted, that any person opposing by force the execution of an order for possession or use, given under this Act, or refusing obedience thereto, or knowingly contravening the same, as long as it shall remain in legal force, shall, together with all persons aiding and abetting, be liable, on conviction before a magistrate, or other officer with the powers of a magistrate, to be sentenced to simple imprisonment for a term not exceeding six months, or to fine not exceeding 200 rupees, commutable, if not paid, to a period of simple imprisonment not exceeding six months, or to both imprisonment and fine as aforesaid.

8. And it is hereby enacted, that all orders passed under this Act shall be appealable in the usual manner under the regulations and laws that are or may be in force relating to appeals from the orders of magistrates, or other officers exercising the powers of magistrates.

9. And it is hereby enacted, that in cases instituted under this Act, the magistrate or other officer as aforesaid is authorized, with the consent of all the parties, to refer the matter in dispute, so far as

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is cognizable under this Act, to an arbitrator or arbitrators for decision, whose award shall be executed as if it were the award of such magistrate or other officer as aforesaid.

10. And it is hereby provided, that nothing in this Act contained shall affect the legal exercise of any right of attachment or seizure vested by law in any parties.

11. And it is hereby further provided, that this Act shall not extend to any place beyond the limits of the Presidency of Fort William, in Bengal, or to the Settlements of Prince of Wales's Island, Singapore, or Malacca, or to any place situated within the local limits of the jurisdiction of Her Majesty's Supreme Court at Calcutta.

Appendix F.

Appendix F.

Mr. Livera's SUGGESTIONS for an improved Mode of administering Justice.

Gentlemen,

Matura, 30 March 1849.

IN compliance with your request, I have the honour to subjoin my views on the subject of certain changes proposed to be introduced in connexion with the administration of justice in this island.

The desire of the Committee, as I apprehend, is to suggest such change as would lead to a reduction of the expenditure at present incurred for the maintenance of judicial establishments, without, however, thereby impairing their efficiency, or in any way making the administration of justice less effective; but, on the contrary, if practicable, rendering the obtainment of redress more accessible and less troublesome to the people. These objects of the Committee, in my opinion, are attainable only in one of these three ways:—

1st. By amending the constitution and altering the jurisdictions of the courts, and thereby imposing upon them a larger share of business than at present devolves on them; thus abolishing some of the courts that would be rendered superfluous or unnecessary.

2d. By some considerable reduction of the expenses of the different establishments, without alteration of duty or services now required of them.

3d. By abolishing some of the courts now established as separate and distinct departments, and transferring their business to others, in addition to the duties they now perform.

What is most advisable to be done can, perhaps, be best understood, by taking a general view of the circumstances and wants of the country.

The natives of this country very naturally expect at the hand of Government, as the greatest and most important benefit which it can confer upon them, the security of their persons and property, and this can only be afforded by keeping in existence a certain number of courts, having sufficient powers, and able to dispense justice readily, and without needless expense or trouble to the parties seeking it. The absence of this benefit, wherever it exists, is felt by them most keenly. It creates disaffections, leads to internal disorder and lawlessness, and introduces an utter disorganization of society. The effects are the same, whether there is an absolute denial of justice, or whether the attainment of it is rendered so difficult and expensive as to make it inaccessible to most, either by the remoteness of the place where it is to be sought, or the delay and vexations they are subject to before they can obtain it. As far as I have been able to judge, they do not generally manifest too great an anxiety to save either reasonable trouble or expense in seeking justice, so far as their circumstances and means will allow, nor are they deterred from so doing upon slight impediments; on the contrary, it is well known they frequently evince a love of litigation to a culpable degree, and to a ruinous extent; therefore any reformation introduced into the administration of justice should have in view the twofold object of not denying to the inhabitant his just and reasonable expectation of ready redress when injury has been really sustained by him, and also of checking his proneness to that spirit of litigation which often is created, as I apprehend, not so much from the ease with which it may be indulged by the courts being made accessible to all at little expense, but from the manner and mode in which law, or what is deemed to be law and justice, is dispensed. It is clear, the only litigation that is pernicious to society, and which ought to be checked, is that which is based on falsehood, and the only legitimate means of checking it is by making good laws, and applying the same to true facts, by persons who are really acquainted with the law, and know how to apply it. The former is the province of the Legislature, the latter only forms the duty of the legal tribunals. Is not a good deal of that false litigation, which, no doubt, now exists, to a considerable extent, in the country, attributable, in a great degree, both to a defect in the laws and the constitution of the legal tribunals? If there were good, clear and intelligible laws, upon which mistake and misapprehension cannot very frequently occur; and if these laws were administered by courts which are in a position to discover the truth or falsity of facts to which they are called upon to apply the same, might not a vast deal of the present false litigation be prevented? Would not such courts command the respect and fear of the inhabitants, secure their confidence, and exercise such a moral influence upon them as would lead to the prevention of offences and injuries, and render them, as dispensers of justice, sufficient for all the legitimate purposes of litigation of a large extent of country, as a large number of the population? I think that such would be the case. The returns in the possession of Government will show a vast quantity of litigation to exist in the country; they will also exhibit a proportionate number of legal adjudications; but still the question remains, to what extent has justice been administered? for the amount of benefit to the country is confined only to that extent, as the adjudication of cases does not necessarily include an award of substantial justice. All acquainted with the subject will, I think, admit that most of the cases instituted in the courts of the island are fraught with fraud and falsehood; that losses and punishments offer no check, no doubt, from the circumstance of their not falling on the right parties; that real offenders often escape by means of ingenuity and corruption, and the moral influence exercised by these courts, in many instances, is extremely small, if they did exercise any at all. If such be the facts, the inference, I think, is clear, that the constitution of these courts is defective; they are inadequate to the duties and purposes for which they are maintained; and it is probably with this impression that such frequent changes have been made in reference to them, their numbers increased from time to time, and an augmentation of expenditure incurred. Much of this expenditure, I think, might be saved, the courts reduced in number, better provision made for the administration of justice, and still legal redress placed within the reach of all who properly resort to the courts, leading eventually to a diminution of litigation, and the security and peace of the country.

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As I have already intimated to you, I consider that the constitution of the district courts, as established under the Judicial Charter of 1833, was well suited to the wants of the country; that the courts were fully adequate to discharge the duties imposed upon them, and that the causes which led latterly to their supposed inadequacy, were wholly and entirely independent of their constitution and jurisdictions. The simplicity of the system was in itself a recommendation; no room was left for a conflict, or confusion of jurisdiction, except perhaps in regard to criminal offences, as the Supreme Court also possessed an original criminal jurisdiction: had the system which the Commissioners recommended been more liberally adopted and worked out in all the simplicity with which it was invested; had suitable rules of practice been introduced in accordance with the spirit and objects of the charter, and judges duly qualified for their duties been appointed to preside in these courts, I feel convinced that they would have been found to answer the expectations of those who recommended the system, and fully sufficient for the demands of the country. The charter, no doubt, required and admitted of some amendments, which might have been done without engrafting thereon, and superadding to it a totally new system, new courts and new mode of procedure, quite inconsistent with its spirit, leading to an increase of false and frivolous litigation, introducing confusion and conflict of jurisdiction, and a considerable increase of expenditure. The present system appears to me to be altogether an anomaly. The original criminal jurisdiction is divided between three courts, in one of which the investigations are carried on before a judge and jury, and at the instance of the public prosecutor; in another, by a judge, associated with three assessors, without the necessary intervention of a public prosecutor, its judgments being subject to an appeal, both on matters of fact and law; and in the other, by an individual magistrate in a summary manner, while his decisions are subject to a review only as regards mistakes of law. The original civil jurisdiction is divided between two courts, of which the higher one is composed of a judge and three assessors, from whom an appeal lies to the Supreme Court from every order that is made, whether interlocutory or final, and from every decree, whether upon matters of fact or law; but the judgments of the inferior court can be brought in review only in reference to some alleged mistake of law. The jurisdictions of these courts stand ill defined, and ill understood, and necessarily so, according to the present state of the law and property in the country. Instead of the appeal to the Supreme Court allowed by the Charter of 1833, there is now a double appeal to the Supreme Court; first, to an individual judge of it on circuit, and then to the three judges sitting collectively. That such a system must be wanting in simplicity, must lead to perplexity and confusion, and is calculated to foster that spirit of litigation which is supposed to belong to the native population, will easily be perceived, besides its expense, both to the State and the parties engaged in litigation. It needs alteration, I believe is admitted, and as I understood from you, various suggestions have been offered for so doing, and you are desirous of knowing my opinion on the merit and practicability of each.

It is said to be proved, with the view of removing the injuries which the inhabitants at present sustain by consequence of the paucity of district courts, which alone can entertain suits affecting land, that the courts of requests should be vested with an increase of jurisdiction, and empowered to try generally all cases under the value of 10*l.* or 12*l.*, without reference to the subject-matter of the suit, whether it affected land or not. This of course would not lead to any reduction of expense, unless some of the district courts now in existence be abolished, which in fact it will be necessary to do, as the abstraction of so large an amount of business from them will leave but little duty to be performed by them. Under such circumstances the district courts will, perhaps, be reduced to some four or five within the whole island, the effect of which will be to expose most parties who are obliged to resort to them to great trouble and expense, in consequence of the remote situation of the courts, in some instances, probably, one or two hundred miles from their places of residence. Moreover, this will not in the least remove those doubts and difficulties springing out of the limitation of jurisdiction, but on the contrary, much augment them, as preliminary investigations would be rendered necessary to ascertain the value of property brought in question, upon which much deception will be attempted to be practised, particularly when the resort to the district court is rendered so difficult by its distant situation. It will also be a question whether the present rules of practice of these courts are sufficient for the adjudication of land cases; whether the complicity of some of the matters which shall be brought before them would not render written pleadings necessary, and parties to receive professional aid and advice, and the commissioners themselves to be men possessed of considerable legal knowledge and experience. To the satisfactory adjudication of these cases the commissioners must, in my opinion, possess qualifications equal to those supposed to be possessed by district judges: the nature of most suits decided by the two courts will be similar, the difference being confined to the value of the property under litigation, which does not and cannot add to or diminish the difficulty of the question to be decided. If the commissioners are so qualified, I see not the necessity of placing any limit to the jurisdiction given them within their respective districts, and compelling parties to resort to a distant district court for redress, while a judge sits within his immediate reach who is fully qualified to administer to his wants, and that without material addition to his labours, as the number of cases above the value of 10*l.* or 12*l.* cannot be very many in most of the districts. If this reasonable plan of giving the entire civil jurisdiction be adopted, then it is simply a return to the Charter of 1833, and the re-establishment of district courts under a different name; with one exception, those now holding the office of commissioner are the very persons who fill the office of police magistrate. The reduction of the number of district courts, under the proposed plan, will render it extremely hard, if complaining parties be compelled to carry any criminal plaint to those courts which may happen to be so distant from their residence, and this will render it necessary to give the police magistrates also a larger jurisdiction, thus rendering a complete restoration of courts created by the Charter of 1833, both as regards civil and criminal jurisdiction.

Another proposition which is said to have been made is to remodel the Supreme Court, and make it effective towards determining certain civil and criminal cases as a court of original jurisdiction, aided by some subordinate judges or magistrates, whose province it would be to try matters of fact only, leaving the determination of the law and the ultimate decision of a case to the superior judge; that the three judges should be stationed in three different parts of the island, having jurisdiction to try suits exceeding a certain value, and each having jurisdiction over a limited portion of the island; that they should be vested with power to try and decide cases, upon evidence taken by themselves, when parties are resident in the vicinity of their stations; but when at a distance and in other districts, to remit the issues of fact to be tried by some local or subordinate judges; and on the facts being so found and ascertained, of finally deciding the cases. An appeal is to lie, as it is proposed,

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from the decision of these single judges to two or three of the said court sitting collectively. This, it is thought, would save the circuit expenses of the Supreme Court, obtain for the judges a larger quantity of work, and render, as I suppose, the present district courts unnecessary, as saving is also expected from appointing to the office of subordinate judges (who are to conduct the trial of facts) persons of inferior pretensions, and paying them at a low scale of salary. The objections to this scheme are very palpable and obvious. Not to repeat the objections I have already urged to a division of jurisdiction, according to the value of a suit, under this scheme it is clear that each of the superior judges will have the extent of more than a whole province under his jurisdiction, and suitors will have to resort to his court from the remotest part of it, which, in itself, will be a virtual denial of justice, as the amount of expense and trouble will be very great. The advantage gained by the suitor by having the facts of a case tried by an inferior judge of the district will be very trifling. He will have first to bring his case in the Supreme Court, employ counsel, file pleadings, and prosecute it to the maturity of one or more issues. He will then have to go to the inferior judge of his district to have these issues tried, perhaps being allowed again to avail himself of counsel, and thus incurring another legal expense. He will then have to bring the finding back to the Supreme Court, and obtain a decision thereon, if no valid objection be raised to that finding. I am not aware whether it is proposed to allow any appeal from the finding of the subordinate judge, or his finding is to be considered conclusive and final. I hardly think that such finding could be always considered final, and no objection should be allowed against it. The inferior judge might in some instances exercise an erroneous judgment in receiving or rejecting evidence tendered, or find facts not warranted by the evidence, or against the weight of such evidence. This is the more likely to occur, as these judges are supposed to be persons of inferior qualifications, and not much conversant with law. If such appeal be allowed retrials of facts will be rendered necessary, occasioning further expense and delay. It appears to me very doubtful whether a person who has not a sufficient knowledge of law can satisfactorily conduct the trial of an issue of facts; he must at least be acquainted with the rules of practice and evidence, which cannot be well acquired without some general knowledge of law. If the inferior judge be one possessing such qualifications—that is, a knowledge of law—it is perfectly useless to restrain him from deciding the whole case, and compel parties to go to a distant tribunal. In consequence of the very extensive prevalence of perjury in the country, the discovery of the true state of facts is rendered as difficult, if not more so, than the law which is to be applied to those facts: much ingenuity, skill, and experience are required to sift the evidence, weigh probabilities, and decide the facts. Could this be performed by a low-paid magistrate, of inferior abilities and learning, either to the satisfaction of the superior judge, or the parties interested in the cause? Would the parties repose confidence upon such an office? I should suppose not, and the plan is likely to create much dissatisfaction. If high remuneration be in any instance necessary to secure the honest discharge of duty by one holding a responsible position, this certainly appears to be one. His duty is a mere exercise of judgment and experience, admitting of wilful misconduct without possibility of proof or detection. An error of law is easily detected and exposed; but inference of fact drawn from conflicting evidence does not admit of it. Everything, therefore, will depend on the skill and honesty of the judge; and should he prove wanting in either, the party aggrieved must, in most instances, be without remedy. Besides, the judges of the Supreme Court, however eminent in legal attainments, might be ill-qualified to try the issue of facts whenever they undertake to do it, without considerable experience of the country and a knowledge of the native languages. Whatever be the saving of expense, it does not appear to me that this proposal can be carried into effect without most serious damage to the interests of the people and the welfare of the country.

The only other plan suggested, and that appears to me preferable to all, is to re-establish the districts courts in all their former integrity, with the addition of an exclusive original criminal jurisdiction without limitation, thus rendering the Supreme Court simply a court of appeal. You may remember that I expressed some doubts whether the district courts could with safety be intrusted with jurisdiction to try certain high offences, such as homicides, treasons, &c., for which death is the punishment; but upon further consideration, and on the supposition that the district courts will be presided over by persons of mature experience and some legal knowledge, I am inclined to believe that this might be done without detriment to public justice, provided an appeal be allowed to have any errors of law which they commit corrected; and also if they be called upon to try such offences on the prosecution of the Queen's Advocate, and with the aid of a jury, as is now done by the Supreme Court. When the Supreme Court is made simply a court of appeal, it would not be necessary for that court to make any circuits, as all appeals can well and more readily be disposed of at Colombo, furnishing, perhaps, business sufficient to occupy the time of one judge.

A few alterations in the constitution of the district courts and their procedure will be absolutely necessary to render them adequate to the despatch of business devolving upon them. I do not see the utility of assessors; they are a useless and cumbersome addition, as far as my experience goes, affording no aid to the judge, and forming no check upon his proceedings, as they were intended to do. The plan merely serves the purpose of training up a set of village lawyers to fabricate false suits and false defences. If the judge is possessed of the requisite knowledge and experience to do the duties of his office, and is a man of known honesty, the assessors, selected in the manner they are now done, are not of the utility, and if the judge be wanting in the two former qualities, and has to form his judgment from the opinion of the assessors, they are just sufficient to mislead him, either intentionally or through ignorance. I believe the feelings of the people are more in favour of a judge sitting without assessors than with them. Moreover, the assessors are a positive impediment in the way of speedy despatch of business. Forming, as they now do, a component part of the court, much time is uselessly thrown away in explaining to them the pleadings (often lengthy) in a cause by counsel retained by the parties, and when there is any intimation of the judge's opinion against a party of his counsel's wasting argument and ingenuity for the purpose of obtaining the opinion of the assessors in his favour, though seldom successful, as a last resort, to avail himself of its benefit, if possible, in appeal. The judge never sits to try a cause without a previous perusal of the pleadings and documents filed, and a knowledge of the same to be true; and in reference to him, therefore, the counsel might well spare themselves the trouble of explaining them; but the judge cannot now prevent them from so doing to the assessors, at whatever length they may choose to do so; nor can he check the prolixity of their oral pleadings, even in a clear case, which does not admit of much argument, by the expression of a strong and decided opinion, either in a matter of law or fact, as his judgment is not the only one they try to convince. The removal of the assessors will thus obviate one cause of delay in the despatch of business,

business, and enable the judge to try a larger number of cases. As some compensation for the withdrawal of what may possibly be deemed a popular institution, in cases of considerable importance and value, if one or more parties mistrust the sufficiency of one judge to try the cause, I would allow them to demand a jury of 13 men to try their cause, paying the expenses attendant on such application. This, I think, might be allowed with considerable advantage in certain cases, and lead parties to repose entire confidence on the tribunal.

The following changes in the civil procedure will also, I think, lead to a diminution of business, or accelerate the despatch thereof. The judge might be allowed the discretion of summarily hearing and determining such cases as will admit of its being so done by their simplicity without written pleadings, whatever be their value, levying, however, the stamp fees to which they are now subject. In consequence of the state of landed property in the island, some cases, where of small value, would, in certain cases, require written pleadings, in all which parties should be called upon so to proceed, but written pleadings should form the exception and not the rule, unless when all parties desire it. The delay and accumulation of business in the district courts formerly arose from want of some such rule. Every case, however simple the question mooted, and however trifling its value, was inducted with the same tediousness and length of proceedings as cases of a contrary description, and with as great prolixity of oral pleading. The investigation of every case, whatever its value was, 10s. or 10 l., occupied nearly the same amount of time. Proctors were allowed to appear; the case to be opened with all the formality of a jury trial; legal objections raised and discussed; objection to evidence taken; lengthy defences made and replied to; thus uselessly and unnecessarily impeding the speedy decision of cases. Rules might be enacted to prevent all this laboriousness of procedure to no useful purpose, and the courts might thus be enabled to go through a considerable quantity of more business than they then did. I would not totally debar parties from availing themselves of the aid of counsel in any case, but prevent their impeding the progress of business by unnecessary prolixity, by means of rules limiting their right of interference.

Another desirable modification is to limit the liberty of appeal to questions of law. The review of the police and commissioner court decisions are now so limited, and though appeals from district courts are not so restrained, yet in practice the Supreme Court now seldom interferes with the finding of a district court on a matter of fact. Formerly, when all civil business was confined to the district courts, the liberty of appeal was greatly abused; it was often resorted to for purposes of vexation and delay, and as appeals were allowed from every order, however unimportant, there was no limit to the delay which could be so caused by a party. Thus the Supreme Court had an overwhelming amount of business, by way of hearing appeals; much of this, no doubt, was attributable to the deficiencies of district judges and the faults of proctors. The limitation above suggested will considerably relieve the Supreme Court, and also lead to the despatch of business in the district courts.

The district court should also be empowered to dispose of a great proportion of criminal business coming before it in a summary and expeditious manner, as is now done by the police courts, without the allowance of counsel to parties, except by the special permission of the judge, in cases of importance. Formerly this branch of the district court business used to suffer considerable delay by proctors being allowed to appear. An offence of the most trivial nature occupied a considerable portion of the court's time in its investigation, while it might have been disposed of, with every regard to justice, in a very short time, had there been no counsel retained to appear for the parties. The higher offences, it is desirable, should be tried by means of a jury, at the instance of the public prosecutor.

The above alterations, I feel convinced, will enable the district courts to despatch all business coming before them with much celerity, leaving no arrears, if sufficient establishments be also allowed. The insufficiency of establishments in no small degree contributed to the accumulation of business in district courts formerly; unless the cases can be had ready for trial, the judge's time cannot be fully occupied. I also expect that much of the petty and vexatious litigation will then cease, by diminishing the probabilities of success, supposing the judges appointed to preside in these courts are men of mature experience and respectable legal acquirements. No possible arrangement or amendment of system can produce the desired results, unless these indispensable requisites be possessed by the judge; and when these exist, the courts will command the respect and confidence of the people, and exercise a salutary moral influence, so as to check injuries and offences. The ready access allowed to these courts, the promptness of inquiry and decision, the certainty of detection and punishment, with a considerable diminution of the chances of escape, by delay, tampering with witnesses, and the legal ingenuity of counsel, will all contribute to produce the above result.

While reform should have for its object the suppression of false litigation, it should throw no obstacle in the way of obtaining ready redress by all parties injured. Would not this end be promoted by empowering the courts to inflict a limited punishment upon witnesses summarily, and at the instant they are proved, to their complete satisfaction, to be guilty of perjury, but subject to an appeal? To obtain conviction, by prosecuting them for perjury, is impracticable, and it is on this account that though it is universally admitted that perjury prevails to a fearful extent, yet few are prosecuted for the offence. If proper judges be appointed, the power may with benefit be given them, though it may appear open to much objection under different circumstances.

In some very populous districts one court, perhaps, will be unequal to the whole work, both civil and criminal, but such districts will be very few. In every such case the course most desirable to be adopted is to establish two courts, one having the whole of the civil and the other the entire criminal jurisdiction, which will add to the efficiency and vigour of both, by each having its attention confined to a particular department of business.

I was also asked by you, I believe, not to confine my observations to matters judicial, but being not aware upon what other subjects the Committee desire information, I find it difficult to comply with this part of your request.

I have, &c.

(signed) F. D. Livera.

(True Copy.) C. J. MacCarthy.

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Appendix H.

Appendix H. (No. 211.)

Sir,

Jaffna, Cutcherry, 9 August 1844.

In your circular letter of the 7th February 1843 orders were given for the preparation of a Report "showing the present condition of the Rural Police," and "the measures suggested for its improvement, and for meeting the additional charges which such improvement would render necessary." In the same letter it was observed, that the very great increase of crime in the colony called for the Governor's most serious attention.

That the present system was most inefficient and objectionable, but perhaps might be rendered somewhat more efficient.

That it was believed that for some years past the Government agents had not considered it their duty to give their attention to the execution of the duties intrusted to police vedahns.

That there were strong reasons for believing that the police vedahns were more or less connected with many of the most atrocious crimes that take place.

And that it was to be expected that the people would select efficient persons for the police duties if the selection were left to them.

Directions were also given to try the experiment of permitting the selection of some police vedahns by the householders of the village.

In your circular letter of the 11th March 1843 it was also again stated that attention had been directed to the great increase of crime in the several districts of the colony, and the great want of police, which is almost universally complained of, and a Report of the same nature as before desired was again called for.

I have been thus particular in reciting the substance of your letter, because I desire to address myself with precision to each particular thereof.

That crime has increased greatly in the Cinghalese provinces, and that many crimes of the deepest atrocity are committed therein, from all that I have heard, I believe to be the case; but so far from its being the case that crime has increased in this province, I have no hesitation in stating positively that it has greatly decreased, and I am confident that those district judges, and others who have known the province for the longest time, will support me in this statement.

The Regulation 18 of 1806 contains a forcible declaration as to the state of this part of the province at that time: "enormities which, for the last few years, have disgraced the province of Jaffna," is one of the phrases used in it.

I succeeded the present district judge of Jaffna in the office of magistrate here in 1825. Matters were not then quite so bad as described as existing in 1806, but night-robberies by large gangs, frequently attended with the particular addition of "ear-cutting," were common. Many persons, some of considerable influence, were commonly known and spoken of as the leaders of gangs; and the people lived in almost constant dread of such characters, evinced as one instance by frequently-recurring rumours of this and that gang being collected in certain localities.

At present gang-robberies are unfrequent, and ear-cutting has nearly disappeared.

There are few people regarded as regular leaders of gangs. Reports, such as I have referred to, are seldom or ever heard, and an habitual dread of such attacks has no longer any place in the minds of the people in general. I have again and again been told by people in the villages, when passing through them alone and communicating with them direct, that the old gangs had been broken up; that many of the members of them had died or disappeared, and others had long been living quietly and industriously in their villages.

Gang-robbery at night was the predominating offence in this province, in this respect apparently more nearly resembling many parts of the adjoining continent than the Cinghalese parts of the island.

Savage and cruel murders, highway robberies, and brutal assaults, were never prevailing crimes in this province, but generally the same is true of other crimes, as has been stated in respect to gang-robberies.

Attention of a general nature, on the part of the Government agent, to the manner in which the police vedahns discharge their duties, that is, to their general character and conduct, has not in this province been withdrawn. Besides attention to representations and complaints, especially on occasions of circuits into the country, there have been several times, at intervals of two or three years or more, general revisions of the establishment, with the uniform result of reducing numbers, and generally of improving the character of the holders of the office.

The last of these revisions, on which considerable attention was bestowed, was made in and about September 1842.

That not only police vedahns, but the headmen of the highest grade were connected with the most serious crimes committed in this part of the province was notorious; they not only screened criminals and obstructed the course of justice by the undue exercise of their influence (an influence of terrorism), but they actually maintained gangs at their command).

There were amongst the maniangars who were in office in the year 1831, at the time of the adoption of the measures of greatly reducing the numbers of these and other headmen, and for the first time of allowing them some pay, individuals generally believed to have been but a short time before, and in a minor degree perhaps, then involved in such connexions.

No suspicion of the kind now attaches to any of this class of headmen, and, if to any of the subordinate class, the odears, it must be to a very few, and in a very minor degree, nor is the case materially different as regards the police vedahns.

I have before expressed my opinion of the neglect so long evinced towards the establishment of headmen.

Practically, the maintenance of order in the country must depend upon them; yet, while frequently much is required of them, and indiscriminate abuse heaped upon them, little or nothing is done to improve their position.

It is not merely my own opinion, but it is generally admitted that the character of the headmen is vastly improved, the character and conduct of the establishment as a body, indeed totally changed since the adoption in 1832 of the measure of reducing numbers and of allowing salaries.

With regard to the observation and directions as to the mode of selection of persons to be police vedahns, I have to state that the selection has always been in a great measure, though not absolutely,

left

left to the people. The selections also have generally been made in the country, in or near the village, and in public, all objections being heard and disposed of, and all proceedings in the matter being recorded in the diary. Absolute election by the people has not been, and could not be resorted to without the aid of a law to define who should be the electors, and to regulate the proceedings, for when election was at a former period frequently resorted to in respect to headmen, the proceedings which the collector could not properly conduct personally, were a mere tumult, and they were practically left to the native servants and headmen, with the result of the return of the party favoured by the most influential of them, and nothing could generally be more irregular and indecent than the whole proceedings.

Having thus commented generally upon the statements made in your letters, I proceed to furnish more specifically the report required upon the present condition of the police and the measures recommended for its improvement.

There is no doubt that many of the police vedahns are wanting in energy, and more or less corrupt.

That any police establishment in the existing state of society should be absolutely pure, it would be Utopian to expect. In this or any other establishment all that can be done is to make the best of the material the country affords. Of late years, however, the mode of viewing the question in many quarters has been very different from this: it has been regarded as if applying to a highly civilized European country, and the practice of judging of it and other questions of a similar character in relation to the actually existing circumstances of the country seems to have been discontinued.

Any great improvement of the police establishment throughout the country must be the work of time and attention.

Considering the circumstances of their position and treatment, it could not reasonably have been expected that the present establishment should have been better than it is.

The first step necessary to be taken for its improvement, I am of opinion, is to make provision for a fair remuneration.

I am totally opposed to any plan for attempting the introduction of a body of foreigners as Malay police peons throughout the country. Though it may answer well in towns, that is no proof that it would in the country; the circumstances in the two cases are so different. I am convinced that it would not answer in this province, from the want of the necessary intimate acquaintance with the people, and all their habits and customs, that must exist on the part of such persons, and from their inability to command any effective co-operation on the part of the people, without which such a body could not act with efficiency in such a country as this. It would also, and as I conceive justly, be regarded as most offensive by the people, while on general grounds I think it would be most objectionable and inconsistent with the other measures of the Government; for what could be more objectionable in the existing state of the country, or more inconsistent with what is professed, and in some degree with what has been done, than to declare to the people throughout the country that their character is so hopelessly defective and impure that they neither are nor can be made fit instruments for a police establishment? And although there may possibly be something peculiar in the requisites of a good police establishment, calculated to make any charge of inconsistency inapplicable, the forcing of such a measure upon the people would be most unfair, until the plan of adequately paying and otherwise improving the position of persons chosen for such offices from amongst themselves had been afforded a fair trial.

Another important matter, besides giving a fair salary to them, is, in my opinion, to direct attention to the endeavour to improve the self-respect of these officers. It cannot improve the character of such persons to treat them with indignity and to heap indiscriminate abuse upon them as a body in public, and I entertain a very strong opinion that proceedings of this nature have had a most injurious influence upon the existing establishment, particularly in deterring many fit persons from seeking the appointments.

However just, it cannot do any good; but it is not just in its indiscriminateness, for, as I have, in a previous part of this letter, remarked that the maintenance of order in the country must practically depend upon the character of the headmen, so are there not a few instances of large villages where the selection of both the oedar and police vedahns has been happy, in which all business, revenue, civil, and judicial, is quietly and satisfactorily conducted without trouble or complaint, and in which there is hardly any crime.

To give room for a hope for the improvement of its character, the establishment should be treated by the magistracy of the country with habitual forbearance and respect, the respect due to the office rather than the individual holding it; and in all their proceedings in relation to them, regard should be had to this general object.

To secure this, the general injunctions of Government, in the first instance, and their continued supervision afterwards, would be necessary.

No dispassionate person can, I think, have any difficulty in recognising the clear distinction between interposition on the part of the Government or its officers in a particular case and interposition in the way of injunction and direction of a general nature; yet I have reason to believe that very erroneous notions are very generally entertained on this subject. Communication of this nature between the Government and the magistracy is common, I believe, in England; and I think that, for some years past, there has been less of it, and to what there has been, there has been less attention paid by the magistracy of this country (so to call it) than was desirable and proper.

The particular mode in which I recommend that the means of providing for salaries to the police officer be found is by a rate on all the houses of the village.

I forward herewith statements prepared from the census made in 1839, showing the number of houses and the population in each village, the number of village headmen doing the revenue and civil duties, and the number of police vedahns; provision is also made in the form for the insertion hereafter of the subdivision of the houses into classes, for the levying of the proposed rate, and for showing, when it can be ascertained, the area of each village, as calculated to be useful in forming a judgment of the sufficiency or otherwise of the police establishment.

At the same time that the establishment of headmen was revised in 1832, and the number so greatly reduced, a similar revision and reduction of numbers of the establishment of police vedahns was made. The rule generally adopted by me then was to have two police vedahns to each oedar. There has ever since, as I have already mentioned, been a progressive reduction, and it may be seen in the statements that in the division of some of the principal headmen the number is scarcely more

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than that of the odears. In the Vallegamme North, for instance, the numbers are 15 odears and 17 police vedahns; in the Vallegamme West, 14 of one and 16 of the other.

The circumstances in all parts are not precisely the same, and the establishment cannot be regulated on one rigid invariable rule. In the two divisions mentioned the country is entirely cleared and occupied. In others, where, intermingled with the occupied parts, portions remain in a state of nature, and covered with jungle, a small establishment cannot be made so efficient. Looking, however, to the improved efficiency to be expected from granting pay, and to what has already been done in parts, I think the establishment of police vedahns for this portion might, on the introduction of the plan recommended, or shortly after, be brought down to about 130, in connexion with which I contemplate a reduction of the odears to about 100. With 130 police vedahns, the average number of houses to one in this portion of the province would be 286. The average, according to the actually existing establishment in the Vallegamme North and Vallegamme West is 310 and 339 respectively. Less has been mentioned to me by the headman as sufficient; but I am of opinion that no village police officer in populous parts should receive less than 1*l.* per month, and in the more important villages it perhaps should be more. It does not require elaborate calculation to show the feasibility of levying such a sum as 12*l.* or 18*l.* per annum from such a number of householders. A rate of 1*d.* per month on each of 285 houses would give 14*l.* 5*s.* for the year.

On the introduction of any such plan, it might at once be made the rule that the rated householders only of any village should have any voice in the selection of the police officer, and they only on production of receipt for the payment of all rates due.

The rates for every village should not, I think, be uniform; on the contrary, I think they should be determined by the amount required to be raised; so that the rate would depend upon the amount of the pay of the police officer and the number of houses in the village.

This would, I think, operate beneficially in several ways. It would have a tendency to make the people more cheerfully submit to the tax when they saw that no more than was necessary for the object, as immediately affecting themselves, was levied; while to tax one village for the establishment of another would have a strong contrary effect. It might be expected, too, to operate to prevent any unnecessary number of police officers being maintained, and to induce neighbouring villages to seek an union in respect to their police arrangements, so that by having one officer for two or more, instead of one for each, the rate might be lowered; and generally it would probably lead the people to take an interest in the matter.

This arrangement might, I think, be made by fixing the maximum and minimum rate of pay for each police officer in relation to the number of houses in his village.

The classification of the houses might be with reference to their value; not their absolute, but their relative value, as, for instance, the second class being all those not being worth more than half, those of the first and the third all those not worth more than half of those of the second.

The number in each class, and the pay of the officer being known, the rate to be fixed on each house, in the same proportions, would be merely a matter of calculation.

The mode to be provided for making the classification should be simple and inexpensive, and all disputes should be decided by the police magistrate in a summary way.

The rate-money should not, I think, be allowed to pass direct from the hands of the payer into those of the police officer; it should be collected either by the police officer himself, or the village headman, and be paid over to the cutcherry, whence the police officer should receive his pay. It would, however, be very desirable that the accounts in respect to these transactions should be as simple as possible.

I have referred particularly to this part of the province, in explanation of my proposals, as that in which most attention has hitherto been paid to the subject, and as forming so large a proportion of the whole.

On reference to the abstract statement given at the end of the statements forwarded, it may at once be seen that the number of police vedahns in the district of Manaar and the Vanny, in proportion to that of other headmen of houses and of people, is much greater than in the Jaffna division. This is partly owing to the cause already noticed, and partly to the greater difficulty of procuring persons in these wilder districts to do the duty without pay; but the effect of granting pay would be still greater in these districts than at Jaffna, and with paid officers there would not be any difficulty in greatly reducing the numbers, nor, consequently, in finding the means of paying them in the manner proposed.

The case of Nuwerakalawia, as explained in the note upon the statement for that district, is peculiar, and the subject of its establishment of headmen generally will require to be reconsidered at some future time, whenever a person may be in the immediate charge of that district who may have made himself familiar with the character of the people and the circumstances of the country. I have a favourable opinion of that character in many respects, and have much confidence, from the general good disposition of the people, that there would not be any difficulty experienced in making a satisfactory arrangement for the police, even though the present system as to the officers who do the duty should not be adhered to.

I have, &c.
(signed) *P. A. Dyke.*

P. S.—In support of some of my statements herein, I have added to the enclosures an abstract statement made up from the calendar of the number of cases of certain descriptions, and of persons tried before the Supreme Court in the 24 years from 1820 to 1843.

(True Copy.)

C. J. MacCarthy.

Appendix I.

Appendix I.

It appears incontestable that the establishment of a Colonial Government store was originally a judicious and appropriate measure. At the time when it was instituted there was not, as at present, a numerous and active body of merchants engaged in providing for and anticipating the wants of the community; and the usual period of communication to and from the mother country was from nine to ten months; whereas now, by the agency of steam, it has been reduced to three months. Under these changed

changed circumstances it becomes possible that what was before a necessity should have ceased to be so, and it becomes of interest to inquire whether a Commissariat for other than purely military purposes be advantageous or otherwise. To determine the matter with accuracy, your Committee have deemed it necessary to obtain from the Commissariat full and detailed data regarding the amount and character of the business transacted; and, secondly, evidence bearing on the urgencies of the island and its commercial and other resources; and on the evidence obtained the following Report is entirely founded.

From the returns furnished it will appear that on the 2d January 1843 the value of the entire stock of Commissariat stores was as follows:—

Military.			Civil.			TOTAL.		
£.	s.	d.	£.	s.	d.	£.	s.	d.
15,715	1	10 $\frac{3}{4}$	23,616	5	4 $\frac{3}{4}$	39,331	7	3 $\frac{1}{2}$

And when the stock was again taken on the 31st December 1846,—

Military.			Civil.			TOTAL.		
£.	s.	d.	£.	s.	d.	£.	s.	d.
15,193	13	7 $\frac{3}{4}$	27,265	10	2 $\frac{3}{4}$	42,459	3	9 $\frac{1}{2}$

From inquiries subsequently instituted it would appear that a suspension-bridge, transferred to the Surveyor-general's Department, but not availed of, and the town clock (which has also been off the returns for a time), are not included; but as absolute accuracy is not required in estimating the loss to the colony from interest on this dead stock, it may be sufficient to note that the average value of the same appears from the above data to be 25,440 *l.* 17 *s.* 8 *d.* On this amount the loss cannot be reckoned at less than 7 per cent. The rate charged on mortgage varies from 7 to 12 per cent. The bank rate is 10 per cent. per annum, and credit brevien on Dutch bonds guaranteed by Government can be had on terms which gives the purchaser upwards of 7 per cent. Assuming, then, the rate at 7 per cent., the amount of loss to the colony by annual interest will be 1,780 *l.* 17 *s.* 3 *d.*

Another annual charge which must be taken into account is per-centage for depreciation. From the Commissariat Returns sent herewith it appears that no wastage is claimed, except on arrack, rice, articles of food, and paint-oil. But though there be no actual wastage or diminution in quantity on manufactures, tools, and building materials, it is obvious that there must be a heavy loss from deterioration of quality. Tools of every kind, and more especially edge-tools, corrode, paints dry, timber decays, lime deteriorates, tiles break, and machines are superseded by newer inventions, and become inapplicable. If the stock which has cost 25,000 *l.* had to be disposed of, the chances are it would not fetch 15,000 *l.* Among merchants it is not unusual to deduct as much as 15 per cent. per annum for depreciation, but as it is desirable rather to understate than to overstate the case, your Committee would name 5 per cent. as a fair deduction for depreciation in value. Assuming, then, the rate at 5 per cent., the loss from this source will be 1,272 *l.* per annum.

The rent for the premises occupied by the Civil Commissariat may be estimated at 444 *l.* per annum, or one-half the Government agent's estimate of the yearly value of the entire Commissariat stores, as per his letter of the 19th January 1847, annexed. But if rent were charged for Civil Commissariat stores by the Custom-house scale, the charge would much exceed the entire amount named as a fair rent for the whole premises.

The salaries and charges appear to be as follows, for the Civil Department (Return, 1843):—

	£.	s.	d.
Deputy Commissary-general - - - - -	464	14	--
Assistants - - - - -	182	10	--
Commissariat Clerks and Lascars (three) - - - - -	30	15	4
Colonial Stores, ditto - - - - -	161	9	4 $\frac{3}{4}$
Boat and Cooly hire - - - - -	12	2	1 $\frac{1}{2}$
Building Material Department - - - - -	119	6	9 $\frac{3}{4}$
	970	17	9 $\frac{3}{4}$
Annual increase of pay allowed to Store Clerks as per Deputy Commissary-General's letter of 18th Aug. 1847 -	76	10	--
Accountant's Department, say one-half of 297 <i>l.</i> 18 <i>s.</i> (See Letter of Commissariat, dated 23d July 1847) - - -	148	19	--
	£.1,196	6	9 $\frac{3}{4}$

By the returns of the imports for the use of the colonial stores, the amount for the Civil Department during the last four years is stated at 8,279 *l.* 15 *s.* 6 $\frac{1}{2}$ *d.*, and the duty at 435 *l.* 13 *s.* 11 $\frac{1}{2}$ *d.*, or 108 *l.* 18 *s.* 6 *d.* per annum. The entire value of the imports on which duty is leviable (civil and military) is stated at 15,272 *l.* 2 *s.* 2 $\frac{1}{2}$ *d.*, while the expenditure of the colonial agent during the same time is 31,096 *l.* 18 *s.* 6 *d.* This discrepancy is stated (see letter of 2d September 1847), to arise from tools, machinery, and salt provision being excluded, and from stores changed in 1846 not being brought forward till 1847. The former is probably the true solution. Stores bought by the colonial agent in 1842 would appear in the return of imports for 1843, and would tend to balance any difference arising from the latter cause.

There is also an annual loss of 120 *l.* by these imports being paid for in Government bills at par, such bills being saleable here at 3 per cent. premium.

Another charge falling on the colonial store is the salary of the colonial agent in London, who purchases the supplies, and hands them over to the Ordnance. This agent pays some salaries, but

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but as the amount might be remitted from this, or otherwise paid through one of the banks, it is evident that it is for the colonial store alone that his services are actually required. The charges for agent's salary, clerks, and office expenses is—

Annually	-	-	-	-	-	£.555	-	-
Less, amount unappropriated	-	-	-	-	-	50	-	-
						£.485	-	-

Another charge which ought also to be made on the Commissariat stock is fire insurance. Government do not insure, but they are consequently liable to heavy losses; and, as an offset to such losses, insurance ought to be charged. At 7 s. 6 d. per cent. (the lowest rate here) on the estimated value of the stock, fire insurance will be 93 l. 15 s. per annum.

For similar reasons marine insurance ought to be charged, and at 2½ per cent. on 1,000 l; this being about the annual expenditure of the colonial agent for civil stores, the charge will be 100 l. per annum.

Thus the expense of the civil branch of the Commissariat would appear to be as follows:—

	£.	s.	d.	£.	s.	d.
Amount of interest on dead stock - - - -	1,780	-	-			
Loss by depreciation on ditto - - - -	1,272	-	-			
Salaries and petty expenses - - - -	1,196	6	10			
Rent, say half estimate Government agent - -	444	-	-			
Annual import duty lost - - - -	108	18	6			
Loss by premium of Government bills - - -	120	-	-			
Salary of London agent - - - -	485	-	-			
Fire insurance on 25,000 l. - - - -	93	15	-			
Marine, ditto, as per above data - - - -	100	-	-			
				5,600	-	4
Against which there is the following annual profit on sales to private individuals:—						
On provisions, profit in four years, 98 l. 5 s. 6 d.—per annum - - - -	24	11	4½			
Building materials, average annual amount of sales in last four years, 112 l. 11 s. 6 d.—profit on same, say 25 per cent. - - - -	28	3	11½			
Sundries, profit in four years, as per return, 438 l. 12 s. 10 d. per annum - - - -	109	8	2½			
				162	3	4½
Showing the cost of the Civil Commissariat to the colony to be - £.				5,437	16	11½

Meanwhile it is in evidence, from the civil engineer and commissioner of roads, that they could supply themselves cheaper and better from private parties than from the Commissariat Department, so that it would appear that the above expenditure might be saved to the colony were Government to effect its purchases here, and that better and cheaper articles might also be obtained.

Returns of the Commissariat establishments of Galle, Kandy, and Trincomalie have not been laid before your Committee, nor do such appear requisite, as they could lead to no important facts, nor to any new train of evidence. They are but branches of the principal establishment at Colombo, and are much more likely to partake of the defects than of the advantages of the institution, inasmuch as the supervision must necessarily be less sufficient.

Without a colonial store the great works undertaken by General Barnes could hardly have been achieved, but circumstances are changed, and, looking to the evidence annexed to this Report, the returns furnished by the Commissariat, and the calculations founded thereon, your Committee have come to the conclusion that a Commissariat for other than purely military purposes has ceased to be a necessity, while its cost is unquestionably a heavy burden to the colony. Were all public works executed by contract, under the supervision either of the military engineers, the civil engineer, or the commissioner of roads, who might be authorized to advance money as the works proceeded, on the system pursued by private individuals, there would be no occasion for either a colonial store or building materials department in Colombo, Kandy, Galle, or Trincomalie: nor would the economy end here. Were all public works given on contract, the establishment of the civil engineer and commissioner of roads might be reduced to the heads and such assistants as are required in drawing out specifications, and the expense of the stores, lime-kilns, brick-yards, &c., that they at present occupy might be saved to the colony. Contractors could either supply their wants in the place, or order out what they required through the merchants; or, if they were capitalists, import their own supplies. Independently of the system hitherto pursued, having ceased to be necessary, it is beyond doubt that it acts as a direct check to enterprise on the part of the public, and contributes to foster that spirit of entire and slavish dependence on Government which is far too general. At what direct cost to the colony this is done the foregoing abstract will show, but the indirect cost of a system which keeps away from the colony contractors, a class of men who would teach our labouring population better modes of working, is truly incalculable.

The first contractors will probably insist on high terms, and execute their work indifferently; at least such is the usual course. But competition will soon check this evil; and competition in this line must necessarily tend to the general prosperity of the island.

(True Copy.)

C. J. MacCarthy.

Appendix J.

TABLE, showing the Proposed Arrangements in the Revenue and Judicial Departments, with Statistics of Area, Revenue, and Population.

	Area.	Popula- tion.	Revenue.	Agent.	Assist- ant Agent.	Assistant Agent, District Judge, Commis- sioner, and Police Magis- trate.	Assistant Agent, Commis- sioner, and Police Magis- trate.	District Judge.	District Judge, Commissioner, and Police Magistrate.	Commissioner and Police Magistrate.	Deputy Queen's Advocate.	TOTAL.
			£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Colombo -	1,472	331,478	-	1,500	400	-	-	1,500	Negombo 550 Caltura - 550	Commissioner, Colonial - 500 Police Magistrate - 500	500	7,200
Kaigalle -	695	68,141	10,205	-	-	750	-	1,200	-	-	-	750
Ratnapoora -	1,584	59,578	3,170	-	-	750	-	-	-	Arisawella - 300	-	1,050
Putlam -	1,012	40,481	26,973	-	-	550	-	-	Chilaw - 550	Calpenty - 300	-	1,400
											£.	10,400
Kandy -	-	69,994	33,730	1,350	400	-	-	1,200	-	-	450	4,150
Kornegalle -	2,285	138,627	9,070	-	750	-	-	700	-	Gampola - 300	-	1,750
Badulla -	2,069	56,740	3,314	-	-	750	-	-	-	-	300	750
Matelle -	-	30,000	-	-	-	550	-	-	-	-	-	550
Nuwera-Ellia -	-	16,626	786	-	-	-	300	-	-	-	-	300
											£.	7,500
Galle -	-	119,875	26,555	1,200	400	-	-	1,200	-	-	400	3,900
Matura -	-	100,626	8,322	-	750	-	-	700	-	Betotte - 300	-	1,750
Hambantotte -	-	45,088	12,480	-	-	550	-	-	Tangalle - 550	-	-	1,100
											£.	6,750
Jaffna -	942	220,372	28,518	1,200	400	-	-	1,200	-	-	400	4,800
										Mallagam - 300 Point Pedro - 300 Chavagacherry - 300 Kayts - 300	-	-
Manaar -	1,452	28,037	4,527	-	-	550	-	-	-	-	-	550
Mulletivol -	866	7,006	619	-	-	-	300	-	-	-	-	300
											£.	5,650
Trincomalie -	1,160	14,650	10,815	1,200	400	-	-	-	750	-	300	2,650
Batticaloa -	3,734	55,342	6,076	-	-	750	-	-	-	-	-	750
Anuradhapoora -	2,892	45,088	1,338	-	-	750	-	-	-	Haberenne - 300	-	1,050
											£.	4,450
									Population.	Area.		
Western Province -									499,678	4,154		
Central ditto -									323,403	7,675		
Southern ditto -									265,589	2,147		
Northern ditto -									255,415	3,019		
Eastern ditto -									114,274	7,705		

C. J. MacCarthy.

Appendix K.

Appendix K.

LIST of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards per Annum, charged on the Revenue of Ceylon.

CIVIL.								£.	s.	d.	£.	s.	d.
<i>The Governor's Office:—</i>													
Governor	-	-	-	-	-	-	-	7,000	-	-			
Private secretary	-	-	-	-	-	-	-	500	-	-			
<i>The Colonial Secretary's Office:—</i>											7,500	-	-
Colonial secretary	-	-	-	-	-	-	-	2,500	-	-			
Principal assistant	-	-	-	-	-	-	-	1,000	-	-			
Assistant -	-	-	-	-	-	-	-	375	-	-			
Chief clerk	-	-	-	-	-	-	-	250	-	-			
1 Clerk	-	-	-	-	-	-	-	125	-	-			
4 Clerks at 120 l. each	-	-	-	-	-	-	-	480	-	-			
2 Ditto at 100 l. each	-	-	-	-	-	-	-	200	-	-			
1 Ditto	-	-	-	-	-	-	-	80	-	-			

CEYLON.

List of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—*continued.*

<i>The Colonial Secretary's Office—continued.</i>						£.	s.	d.	£.	s.	d.
1 Clerk	-	-	-	-	-	70	-	-			
4 Ditto at 50 l.	-	-	-	-	-	200	-	-			
1 Ditto of records	-	-	-	-	-	60	-	-			
1 Record keeper	-	-	-	-	-	120	-	-			
1 Singhalese interpreter to the Governor, and translator	-	-	-	-	-	200	-	-			
1 Malabar - ditto - ditto	-	-	-	-	-	100	-	-			
1 Singhalese translator and petition clerk	-	-	-	-	-	60	-	-			
1 Petition clerk	-	-	-	-	-	35	-	-			
<i>The Treasurer's Office:—</i>									5,855	-	-
Treasurer	-	-	-	-	-	1,500	-	-			
Chief clerk	-	-	-	-	-	250	-	-			
2 Clerks at 120 l. each	-	-	-	-	-	240	-	-			
2 Ditto at 100 l. each	-	-	-	-	-	200	-	-			
1 Ditto at 75 l., 1 at 60 l., and 1 at 50 l.	-	-	-	-	-	185	-	-			
Cashier	-	-	-	-	-	250	-	-			
Assistant ditto	-	-	-	-	-	40	-	-			
2 Conicopies at 30 l. each	-	-	-	-	-	60	-	-			
1 Clerk, Queen's pay department	-	-	-	-	-	75	-	-			
2 Clerks, Stamp-office, at 120 l. and 90 l.	-	-	-	-	-	210	-	-			
<i>The Auditor-General's Office:—</i>									3,010	-	-
Auditor-general	-	-	-	-	-	1,750	-	-			
Assistant	-	-	-	-	-	375	-	-			
1 Clerk	-	-	-	-	-	200	-	-			
3 Ditto at 150 l. each	-	-	-	-	-	450	-	-			
3 Ditto at 100 l. each	-	-	-	-	-	300	-	-			
4 Ditto at 75 l. each	-	-	-	-	-	300	-	-			
1 Ditto	-	-	-	-	-	60	-	-			
2 Ditto at 50 l. each	-	-	-	-	-	100	-	-			
<i>The Surveyor-General's Office:—</i>									3,535	-	-
Surveyor-general	-	-	-	-	-	800	-	-			
1 Assistant surveyor	-	-	-	-	-	650	-	-			
1 Ditto	-	-	-	-	-	400	-	-			
3 Ditto at 300 l. each	-	-	-	-	-	900	-	-			
6 Ditto at 200 l. each	-	-	-	-	-	1,200	-	-			
1 Superintending officer in the Northern Province	-	-	-	-	-	100	-	-			
4 Clerks at 120 l., 100 l., 60 l., and 50 l.	-	-	-	-	-	330	-	-			
2 Registrars of surveys at 80 l. and 60 l.	-	-	-	-	-	140	-	-			
2 Examiners of surveys at 60 l. each	-	-	-	-	-	120	-	-			
2 Draftsmen at 100 l. and 60 l.	-	-	-	-	-	160	-	-			
3 Ditto at 48 l. each	-	-	-	-	-	144	-	-			
Assistant surveyor of the town surveyor's department at 3 s. per diem	-	-	-	-	-	54	15	-			
1 Draftsman of ditto	-	-	-	-	-	36	-	-			
1 Clerk of ditto	-	-	-	-	-	72	-	-			
<i>The Civil Engineer's Office:—</i>									5,106	15	-
Civil engineer	-	-	-	-	-	800	-	-			
Assistant civil engineer	-	-	-	-	-	650	-	-			
Ditto - ditto	-	-	-	-	-	300	-	-			
Ditto - ditto	-	-	-	-	-	162	-	-			
Ditto - ditto	-	-	-	-	-	100	-	-			
4 Clerks at 120 l., 100 l., 70 l., and 50 l.	-	-	-	-	-	340	-	-			
Examiner of estimates	-	-	-	-	-	80	-	-			
Clerk of stores	-	-	-	-	-	100	-	-			
2 Draftsmen at 100 l. and 30 l.	-	-	-	-	-	130	-	-			
Clerk of works, Colombo	-	-	-	-	-	120	-	-			
Storekeeper, ditto	-	-	-	-	-	65	-	-			
Assistant civil engineer, Putland	-	-	-	-	-	200	-	-			
Clerk and storekeeper, ditto	-	-	-	-	-	36	-	-			
Clerk and storekeeper, Kandy	-	-	-	-	-	80	-	-			
<i>The Commissioner of Roads' Office:—</i>									3,163	-	-
Commissioner of Roads	-	-	-	-	-	1,000	-	-			
3 Assistants at 250 l., 200 l., and 197 l. 18 s. 4 d.	-	-	-	-	-	647	18	4			
1 Ditto at 1 l. per diem	-	-	-	-	-	365	-	-			
4 Clerks at 120 l., 100 l., 75 l., and 50 l.	-	-	-	-	-	345	-	-			
1 Examiner of estimates	-	-	-	-	-	100	-	-			
2 Draftsmen at 100 l. and at 75 l.	-	-	-	-	-	175	-	-			
6 Clerks of the pioneer establishment, 1 at 100 l., 1 at 50 l., and 4 at 40 l. each	-	-	-	-	-	310	-	-			
4 Superintending officers pioneer establishment, at 7 s. 6 d. each per day	-	-	-	-	-	547	10	-			
1 Clerk and 1 storekeeper at 54 l. each	-	-	-	-	-	108	-	-			
1 Clerk, Southern Province	-	-	-	-	-	48	-	-			

LIST of all Salaries, Fixed Allowances, and Pensions, from £.25 and upwards, &c.—continued.

<i>The Commissioner of Roads' Office—continued.</i>						£. s. d.	£. s. d.
1 Clerk, Northern Province	-	-	-	-	-	48	- -
1 ditto, Central Province	-	-	-	-	-	72	- -
1 ditto and storekeeper, Central Province	-	-	-	-	-	60	- -
<i>The Superintendent of Botanical Garden's Office:—</i>							3,826 8 4
Superintendent	-	-	-	-	-	300	- -
Clerk	-	-	-	-	-	50	- -
Draftsman	-	-	-	-	-	60	- -
Arachy	-	-	-	-	-	30	- -
<i>The Loan Board Office:—</i>							440 - -
Commissioner	-	-	-	-	-	200	- -
3 Clerks at 100 <i>l.</i> , 60 <i>l.</i> , and 40 <i>l.</i>	-	-	-	-	-	200	- -
1 Conicoply	-	-	-	-	-	40	- -
<i>The chairman of the savings bank</i>							440 - -
							100 - -
CUSTOMS DEPARTMENT.							
<i>Western Province:—</i>							
Collector of Customs	-	-	-	-	-	1,000	- -
Collector and landing surveyor	-	-	-	-	-	650	- -
1 Clerk to collector and warehouse-keeper	-	-	-	-	-	300	- -
5 Clerks at 120 <i>l.</i> , 100 <i>l.</i> , 80 <i>l.</i> , 60 <i>l.</i> , and 50 <i>l.</i>	-	-	-	-	-	410	- -
1 Cashier	-	-	-	-	-	120	- -
2 Clerks, controller's department, at 150 <i>l.</i> and 70 <i>l.</i>	-	-	-	-	-	220	- -
6 Landing waiters, 3 at 80 <i>l.</i> each, and 3 at 60 <i>l.</i> each	-	-	-	-	-	420	- -
3 Tide surveyors at 30 <i>l.</i> each	-	-	-	-	-	90	- -
Cloth taxer	-	-	-	-	-	60	- -
1 Assistant ditto	-	-	-	-	-	40	- -
Sub-collector, Pantura	-	-	-	-	-	100	- -
Landing-waiter and searcher	-	-	-	-	-	50	- -
Shroff and taxer	-	-	-	-	-	30	- -
Sub-collector, Calleira	-	-	-	-	-	100	- -
Shroff and taxer	-	-	-	-	-	30	- -
Sub-collector, Barbelyn	-	-	-	-	-	120	- -
Landing-waiter and searcher	-	-	-	-	-	50	- -
Shroff and taxer	-	-	-	-	-	50	- -
Sub-collector, Negombo	-	-	-	-	-	120	- -
Landing-waiter and searcher	-	-	-	-	-	50	- -
Shroff and taxer	-	-	-	-	-	30	- -
Sub-collector, Calpentyn	-	-	-	-	-	75	- -
Landing-waiter and searcher	-	-	-	-	-	50	- -
Preventive officer	-	-	-	-	-	36	- -
<i>Southern Province:—</i>							4,201 - -
Collector of Customs	-	-	-	-	-	600	- -
Landing and tide surveyor	-	-	-	-	-	300	- -
3 Clerks at 100 <i>l.</i> , 80 <i>l.</i> , and 60 <i>l.</i>	-	-	-	-	-	240	- -
Shroff	-	-	-	-	-	60	- -
2 Landing-waiters and searchers at 60 <i>l.</i> each	-	-	-	-	-	120	- -
Locker of bonded store at 2 <i>s.</i> per diem	-	-	-	-	-	31 6	- -
Sub-collector, Dodandoewe	-	-	-	-	-	75	- -
Ditto, Ballepillyrudene	-	-	-	-	-	100	- -
Landing-waiter and searcher	-	-	-	-	-	50	- -
Shroff and taxer	-	-	-	-	-	30	- -
Sub-collector, Balligane	-	-	-	-	-	75	- -
Ditto, Gandura	-	-	-	-	-	75	- -
<i>Eastern Province:—</i>							1,756 6 -
Sub-collector and landing surveyor	-	-	-	-	-	225	- -
Clerk and warehouse-keeper	-	-	-	-	-	60	- -
Landing waiter and searcher	-	-	-	-	-	50	- -
Shroff and taxer	-	-	-	-	-	30	- -
Preventive officer, Batticaloa	-	-	-	-	-	40	- -
<i>Northern Province:—</i>							405 - -
Controller	-	-	-	-	-	550	- -
Controller's Clerk	-	-	-	-	-	50	- -
Sub-collector	-	-	-	-	-	200	- -
3 Clerks at 80 <i>l.</i> , 60 <i>l.</i> , and 40 <i>l.</i>	-	-	-	-	-	180	- -
Shroff	-	-	-	-	-	48	- -
2 Landing-waiters at 50 <i>l.</i> each	-	-	-	-	-	100	- -
Sub-collector, Point Pedro	-	-	-	-	-	120	- -
Landing-waiter	-	-	-	-	-	50	- -
Shroff and taxer	-	-	-	-	-	30	- -
Landing-waiter at Wattewittytorre	-	-	-	-	-	50	- -

CEYLON.

List of all Salaries, Fixed Allowances, and Pensions, from £.25 and upwards, &c.—*continued.*

Customs Department— <i>continued.</i>						£.	s.	d.	£.	s.	d.
<i>Northern Province—continued.</i>											
3 Searchers at Kaits, 50 <i>l.</i> each	-	-	-	-	-	150	-	-			
Sub-collector, Manaar	-	-	-	-	-	100	-	-			
Landing-waiter	-	-	-	-	-	50	-	-			
<i>Master Attendant's Office, Colombo:—</i>									1,678	-	-
Master attendant	-	-	-	-	-	700	-	-			
Assistant ditto	-	-	-	-	-	135	-	-			
Clerk	-	-	-	-	-	36	-	-			
2 Pilots and boatswains at 31 <i>l.</i> 10 <i>s.</i> each	-	-	-	-	-	63	-	-			
									934	-	-
Master attendant, Galle	-	-	-	-	-	-	-	-	500	-	-
Ditto, Trincomalie	-	-	-	-	-	-	-	-	400	-	-
<i>Government Steamer, "Seaforth":—</i>											
Commander	-	-	-	-	-	200	-	-			
2 Officers at 100 <i>l.</i> and 60 <i>l.</i>	-	-	-	-	-	160	-	-			
Boatswain	-	-	-	-	-	36	-	-			
Carpenter	-	-	-	-	-	42	-	-			
2 Quartermasters at 25 <i>l.</i> 4 <i>s.</i> each	-	-	-	-	-	50	8	-			
Engineer	-	-	-	-	-	300	-	-			
Assistant	-	-	-	-	-	120	-	-			
Boiler-maker	-	-	-	-	-	150	-	-			
Stoker	-	-	-	-	-	30	-	-			
<i>Post Office:—</i>									1,088	8	-
Postmaster-general	-	-	-	-	-	850	-	-			
Deputy ditto	-	-	-	-	-	150	-	-			
2 Clerks at 75 <i>l.</i> and 50 <i>l.</i>	-	-	-	-	-	125	-	-			
1 Night clerk	-	-	-	-	-	36	-	-			
2 Clerks, at Galle, at 75 <i>l.</i> and 50 <i>l.</i>	-	-	-	-	-	125	-	-			
1 Clerk at Trincomalie	-	-	-	-	-	60	-	-			
1 ditto, Jaffna	-	-	-	-	-	50	-	-			
Deputy Postmaster-general, Kandy	-	-	-	-	-	150	-	-			
2 Clerks at 72 <i>l.</i> and 60 <i>l.</i>	-	-	-	-	-	132	-	-			
1 Night clerk	-	-	-	-	-	36	-	-			
									1,714	-	-
AGENTS OF PROVINCES.											
<i>Western Province:—</i>											
Agent at Colombo	-	-	-	-	-	1,500	-	-			
Assistant ditto	-	-	-	-	-	500	-	-			
Head clerk	-	-	-	-	-	200	-	-			
9 Clerks, 1 at 120 <i>l.</i> , 2 at 90 <i>l.</i> each, 1 at 70 <i>l.</i> , 2 at 60 <i>l.</i> each, 2 at 50 <i>l.</i> each, and 1 at 45 <i>l.</i>	-	-	-	-	-	635	-	-			
Shroff	-	-	-	-	-	150	-	-			
Modliar of the Attepattoo	-	-	-	-	-	180	-	-			
3 Translators at 60 <i>l.</i> , 54 <i>l.</i> , and 40 <i>l.</i>	-	-	-	-	-	154	-	-			
9 District modliars, 2 at 70 <i>l.</i> each, 6 at 64 <i>l.</i> 16 <i>s.</i> each, and 1 at 57 <i>l.</i> 12 <i>s.</i>	-	-	-	-	-	586	8	-			
6 Ditto mohandrams at 29 <i>l.</i> 14 <i>s.</i> each	-	-	-	-	-	178	4	-			
1 Assistant interpreter	-	-	-	-	-	62	5	-			
Modliar of Mutual and Willisere districts	-	-	-	-	-	38	5	-			
Ditto Calnamodera	-	-	-	-	-	40	7	-			
1 Native writer, arrack department	-	-	-	-	-	36	-	-			
3 Clerks assessment department, at 48 <i>l.</i> , 36 <i>l.</i> , and 27 <i>l.</i>	-	-	-	-	-	111	-	-			
1 Translator grain department	-	-	-	-	-	27	-	-			
1 General thombo-holder and district registrar of Colombo	-	-	-	-	-	72	-	-			
2 Clerks at Singhalese registries, at 36 <i>l.</i> and 28 <i>l.</i>	-	-	-	-	-	64	-	-			
1 Ditto Malabar ditto	-	-	-	-	-	36	-	-			
1 Clerk of charitable and education business	-	-	-	-	-	75	-	-			
1 Thombo-holder	-	-	-	-	-	90	-	-			
1 Clerk of Dutch records	-	-	-	-	-	25	-	-			
1 Mohanderam Basnake Nileme	-	-	-	-	-	28	16	-			
Assistant Government agent, Four and Three Korles	-	-	-	-	-	325	-	-			
Clerk	-	-	-	-	-	70	-	-			
Shroff	-	-	-	-	-	50	-	-			
4 Rattamahatmeyas at 50 <i>l.</i> each	-	-	-	-	-	200	-	-			
Assistant Government agent, Ratnapoora	-	-	-	-	-	650	-	-			
2 Clerks at 75 <i>l.</i> and 50 <i>l.</i>	-	-	-	-	-	125	-	-			
Shroff	-	-	-	-	-	50	-	-			
Interpreter modliar and translator	-	-	-	-	-	75	-	-			
4 Rattamahatmeyas at 50 <i>l.</i> each	-	-	-	-	-	200	-	-			
<i>North-western Province:—</i>									6,534	5	-
Agent at Putlam	-	-	-	-	-	1,000	-	-			
Assistant ditto (writer)	-	-	-	-	-	200	-	-			
4 Clerks at 150 <i>l.</i> , 1 at 100 <i>l.</i> , and 2 at 75 <i>l.</i> each	-	-	-	-	-	400	-	-			
Shroff at Putlam	-	-	-	-	-	75	-	-			

List of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—continued.

CEYLON.

Agents of Provinces—continued.			£.	s.	d.	£.	s.	d.
<i>North-western Province—continued.</i>								
2 Shroffs at Chilaw and Calpentyne at 50 <i>l.</i> each	-	-	100	-	-			
1 Native writer	-	-	30	-	-			
3 Salt storekeepers at Putlam, Chilaw, and Calpentyne, 2 at 50 <i>l.</i> , and 1 at 45 <i>l.</i>	-	-	145	-	-			
Modliar and interpreter at Putlam	-	-	90	-	-			
Maniagar ditto	-	-	30	-	-			
3 District modliars at 64 <i>l.</i> 16 <i>s.</i> each	-	-	194	8	-			
2 Ditto mohandrams at 30 <i>l.</i> each	-	-	60	-	-			
1 Head salt watcher at Nachicaly	-	-	36	-	-			
Assistant agent at Karnegalle	-	-	150	-	-			
3 Clerks at 108 <i>l.</i> , 80 <i>l.</i> , and 65 <i>l.</i>	-	-	253	-	-			
Shroff	-	-	67	10	-			
Modliar and interpreter	-	-	76	10	-			
Mohandram and translator	-	-	36	18	-			
5 Rattamahatmeyas at 50 <i>l.</i> each	-	-	250	-	-			
Commutation clerk	-	-	45	-	-			
Ditto, translator	-	-	30	-	-			
Webadde mohandiram	-	-	45	-	-			
						4,014	6	-
<i>Southern Province :</i>								
Agent at Galle	-	-	1,200	-	-			
Assistant ditto	-	-	500	-	-			
6 Clerks, 1 at 150 <i>l.</i> , 1 at 100 <i>l.</i> , 2 at 75 <i>l.</i> , and 2 at 50 <i>l.</i> each	-	-	500	-	-			
Shroff	-	-	100	-	-			
Assistant ditto	-	-	30	-	-			
Modliar at the Attepattoo, and 1 interpreter and translator	-	-	100	-	-			
2 Interpreters and translators at 30 <i>l.</i> each	-	-	60	-	-			
4 District modliars and 1 mohandram at 50 <i>l.</i> each	-	-	250	-	-			
Assistant agent at Matura	-	-	850	-	-			
3 Clerks at 100 <i>l.</i> , 75 <i>l.</i> , and 50 <i>l.</i>	-	-	225	-	-			
Shroff 50 <i>l.</i> , and assistant 30 <i>l.</i>	-	-	80	-	-			
Modliar and interpreter	-	-	75	-	-			
5 District modliars at 60 <i>l.</i> each	-	-	300	-	-			
Assistant agent at Hambantotte	-	-	325	-	-			
3 Clerks at 100 <i>l.</i> , 75 <i>l.</i> , and 50 <i>l.</i>	-	-	225	-	-			
Shroff 100 <i>l.</i> , and assistant 30 <i>l.</i>	-	-	130	-	-			
Modliar and interpreter	-	-	75	-	-			
Superintendent salt department	-	-	100	-	-			
1 Storekeeper at Hambantotte 75 <i>l.</i> , and 1 at Kirindo 50 <i>l.</i>	-	-	125	-	-			
2 Constables at 30 <i>l.</i> each	-	-	60	-	-			
1 District modliar	-	-	75	12	-			
2 Clerks and 1 translator, assistant department, Galle, at 27 <i>l.</i> each	-	-	81	-	-			
						5,460	12	-
<i>Eastern Province :—</i>								
Agent at Trincomalie	-	-	1,200	-	-			
Assistant ditto	-	-	500	-	-			
5 Clerks, 1 at 150 <i>l.</i> , 1 at 100 <i>l.</i> , 2 at 75 <i>l.</i> each, and 1 at 50 <i>l.</i>	-	-	450	-	-			
Shroff	-	-	72	-	-			
Salt storekeeper at Nillavally	-	-	36	-	-			
Chief modliar and interpreter	-	-	90	-	-			
Mohandram and translator	-	-	40	-	-			
3 Wanniahs at 30 <i>l.</i> each	-	-	90	-	-			
Assistant agent at Batticalao	-	-	850	-	-			
3 Clerks at 100 <i>l.</i> , 75 <i>l.</i> , and 30 <i>l.</i>	-	-	205	-	-			
Shroff	-	-	36	-	-			
Modliar and interpreter	-	-	40	-	-			
Wanniah of Bintenne	-	-	40	10	-			
						3,649	10	-
<i>Northern Province :—</i>								
Agent at Jaffna	-	-	1,500	-	-			
Assistant ditto	-	-	500	-	-			
Writer	-	-	200	-	-			
7 Clerks at 150 <i>l.</i> , 100 <i>l.</i> , 80 <i>l.</i> , 70 <i>l.</i> , 60 <i>l.</i> , 50 <i>l.</i> , and 40 <i>l.</i>	-	-	550	-	-			
Shroff	-	-	100	-	-			
2d ditto	-	-	30	-	-			
General storekeeper	-	-	60	-	-			
Storekeeper at Tondemanaar	-	-	50	-	-			
Person in charge of thombo or land register	-	-	27	-	-			
Accountant grain establishment	-	-	40	-	-			
2 interpreters at 100 <i>l.</i> and 75 <i>l.</i>	-	-	175	-	-			
Assistant agent, Manaar	-	-	425	-	-			
2 Clerks at 80 <i>l.</i> and 50 <i>l.</i>	-	-	130	-	-			
Shroff	-	-	50	-	-			
Storekeeper	-	-	40	-	-			

CEYLON.

LIST of all Salaries, Fixed Allowances, and Pensions, from £.25 and upwards, &c.—*continued.*

Agents of Provinces— <i>continued.</i>						£.	s.	d.	£.	s.	d.
<i>Northern Province—continued.</i>											
Interpreter and translator	-	-	-	-	-	50	-	-			
Adigar of Manaar Island	-	-	-	-	-	60	-	-			
Clerk at Mulletivoe	-	-	-	-	-	75	-	-			
Shroff and storekeeper ditto	-	-	-	-	-	40	-	-			
Interpreter ditto	-	-	-	-	-	40	-	-			
Assistant agent at Andradjapoor	-	-	-	-	-	425	-	-			
Clerk	-	-	-	-	-	120	-	-			
Shroff	-	-	-	-	-	40	-	-			
Interpreter and translator	-	-	-	-	-	100	-	-			
3 Native headmen at 30 l. each	-	-	-	-	-	90	-	-			
<i>Central Province :—</i>									4,917	-	-
Agent at Kandy	-	-	-	-	-	1,500	-	-			
Assistant ditto	-	-	-	-	-	500	-	-			
Extra assistant	-	-	-	-	-	80	-	-			
Head clerk	-	-	-	-	-	200	-	-			
8 Clerks, 1 at 160 l., 1 at 135 l., 2 at 120 l. each, 1 at 100 l., 1 at 80 l. 1 at 75 l., and 1 at 53 l.	-	-	-	-	-	843	-	-			
Shroff	-	-	-	-	-	130	-	-			
Storekeeper	-	-	-	-	-	37	4	-			
Conicoply	-	-	-	-	-	36	-	-			
Clerk of the assessment department	-	-	-	-	-	50	-	-			
2 Modliars and interpreters at 180 l. and 75 l.	-	-	-	-	-	255	-	-			
Translator	-	-	-	-	-	48	-	-			
2 Revenue collectors at 40 l. each	-	-	-	-	-	80	-	-			
3 Rattamahatmeyas at 60 l. each	-	-	-	-	-	180	-	-			
Assistant agent at Badulla	-	-	-	-	-	850	-	-			
2 Clerks at 100 l. and 75 l.	-	-	-	-	-	175	-	-			
Shroff	-	-	-	-	-	75	-	-			
Interpreter	-	-	-	-	-	75	-	-			
3 Rattamahatmeyas at 72 l., 60 l., and 50 l.	-	-	-	-	-	182	-	-			
Assistant agent, Nuwera-Elia	-	-	-	-	-	187	10	-			
Clerk	-	-	-	-	-	100	-	-			
Canicoply	-	-	-	-	-	40	-	-			
1 Rattamahatmeya	-	-	-	-	-	60	-	-			
2 Assessors, commutation department, at 72 l. each	-	-	-	-	-	144	-	-			
1 Clerk ditto	-	-	-	-	-	72	-	-			
2 Translators at 50 l. each	-	-	-	-	-	100	-	-			
GOVERNMENT PRINTING OFFICE :									5,999	14	-
Head printer	-	-	-	-	-	250	-	-			
5 English compositors, 1 at 85 l. 2 s. 6 d., 1 at 84 l., and 3 at 75 l. each	-	-	-	-	-	394	2	6			
1 Singhalese and 1 Malabar compositor at 52 l. 10 s. each	-	-	-	-	-	105	-	-			
1 Assistant to ditto	-	-	-	-	-	45	-	-			
1 Pressman	-	-	-	-	-	56	5	-			
1 Extra English compositor	-	-	-	-	-	45	-	-			
1 Type caster	-	-	-	-	-	27	-	-			
<i>Supreme Court :—</i>									922	7	6
JUDICIAL.											
Chief Justice	-	-	-	-	-	2,500	-	-			
2 Prison Judges at 1,800 l. each	-	-	-	-	-	3,600	-	-			
Private secretary to the Chief Justice	-	-	-	-	-	270	-	-			
2 Private secretaries to the prison judges at 180 l. each	-	-	-	-	-	360	-	-			
<i>Queen's Advocate's Office :—</i>									6,730	-	-
Queen's Advocate	-	-	-	-	-	1,500	-	-			
Deputy Queen's Advocate	-	-	-	-	-	1,200	-	-			
4 Deputy ditto for the circuits, at 400 l., 300 l., 250 l., and 200 l.	-	-	-	-	-	1,150	-	-			
2 Clerks to the Queen's Advocate at 100 l. and 50 l.	-	-	-	-	-	150	-	-			
Interpreter to ditto	-	-	-	-	-	75	-	-			
Clerk to the Deputy Queen's Advocate	-	-	-	-	-	45	-	-			
2 Clerks to the ditto, Western Province, at 30 l. and 27 l.	-	-	-	-	-	57	-	-			
Clerk and interpreter of ditto, Midland Circuit	-	-	-	-	-	45	-	-			
Ditto and ditto ditto, Northern ditto	-	-	-	-	-	50	-	-			
Ditto and ditto ditto, Southern ditto	-	-	-	-	-	25	-	-			
<i>Registrar of the Supreme Courts' Office :—</i>									4,297	-	-
Registrar	-	-	-	-	-	600	-	-			
2 Deputy ditto at 300 l. and 200 l.	-	-	-	-	-	500	-	-			
2 Clerks at 100 l. and 75 l.	-	-	-	-	-	175	-	-			
Advocate for prisoners	-	-	-	-	-	180	-	-			
2 Singhalese and 1 Malabar interpreter at 100 l. 75 l., and 60 l.	-	-	-	-	-	235	-	-			
Marshal 30 l., and court serjeant 36 l.	-	-	-	-	-	66	-	-			
Sword bearer 38 l. 14 s., and mace bearer 29 l. 14 s.	-	-	-	-	-	68	8	-			
									1,824	-	-

LIST of all Salaries, Fixed Allowances, and Pensions, from £.25 and upwards, &c.—*continued.*

CEYLON.

DISTRICT COURTS.		£.	s.	d.	£.	s.	d.
<i>Colombo :—</i>							
District judge - - - - -		1,200	-	-			
2 Secretaries at 150 l. and 135 l. - - - - -		285	-	-			
6 Clerks, 2 at 100 l. each, 2 at 80 l. each, 1 at 65 l., and 1 at 60 l. - - - - -		485	-	-			
1 Singalese clerk of notarial deeds - - - - -		33	-	-			
2 Singalese and 1 Malabar interpreters, 1 at 100 l. and 2 at 75 l. each - - - - -		250	-	-			
2 Ditto and 1 ditto translators at 33 l. each - - - - -		99	-	-			
Record keeper 65 l. and assistant 35 l. - - - - -		100	-	-			
<i>Kandy :—</i>					2,452	-	-
District judge - - - - -		1,200	-	-			
Secretary - - - - -		100	-	-			
2 Clerks at 75 l. each - - - - -		150	-	-			
1 Singalese and 1 Malabar interpreter at 75 l. each - - - - -		150	-	-			
2 Native writers at 30 l. and 27 l. - - - - -		57	-	-			
Record keeper - - - - -		40	-	-			
<i>Kurunegalle :—</i>					1,697	-	-
District judge, commissioner of requests, and police magistrate - - - - -		650	-	-			
Secretary - - - - -		120	-	-			
2 Clerks at 75 l. and 50 l. - - - - -		125	-	-			
Interpreter 63 l. and translator 36 l. - - - - -		99	-	-			
Clerk, police establishment, 72 l., and translator 48 l. - - - - -		120	-	-			
<i>Badulla :—</i>					1,114	-	-
District judge, commissioner of requests, and police magistrate - - - - -		650	-	-			
Secretary 120 l. and clerk 75 l. - - - - -		195	-	-			
1 Singalese and 1 Malabar interpreter at 75 l. each - - - - -		150	-	-			
Record keeper - - - - -		36	-	-			
<i>Ratnapoora :—</i>					1,031	-	-
District judge, commissioner of requests, and police magistrate - - - - -		650	-	-			
Secretary 75 l., clerk 50 l., and interpreter 75 l. - - - - -		200	-	-			
<i>Caltura :—</i>					850	-	-
District judge, commissioner of requests, and police magistrate - - - - -		650	-	-			
Secretary 120 l., and 2 clerks at 75 l. and 50 l. - - - - -		245	-	-			
Interpreter 75 l. and translator 27 l. - - - - -		102	-	-			
<i>Galle :—</i>					997	-	-
District judge - - - - -		1,000	-	-			
Secretary 120 l., and 2 clerks at 75 l. and 50 l. - - - - -		245	-	-			
1 Singalese and 1 Malabar interpreter, at 75 l. each, and translator 27 l. - - - - -		177	-	-			
<i>Matura :—</i>					1,422	-	-
District judge - - - - -		650	-	-			
Secretary 100 l., and 2 clerks at 60 l. and 50 l. - - - - -		219	-	-			
Interpreter 75 l. and translator 36 l. - - - - -		111	-	-			
<i>Tangalle :—</i>					971	-	-
District judge, commissioner of requests, and police magistrate - - - - -		650	-	-			
Secretary 70 l., clerk 40 l., interpreter 60 l., and translator 30 l. - - - - -		200	-	-			
<i>Chilaco :—</i>					850	-	-
District judge, commissioner of requests, and police magistrate - - - - -		650	-	-			
Secretary 100 l., clerk 50 l., and interpreter 75 l. - - - - -		225	-	-			
<i>Manaar :—</i>					875	-	-
District judge, commissioner of requests, and police magistrate - - - - -		425	-	-			
Secretary 60 l., clerk 50 l., and interpreter 40 l. - - - - -		150	-	-			
<i>Nuwerakalavia :—</i>					575	-	-
District judge, commissioner of requests, and police magistrate - - - - -		425	-	-			
Secretary and interpreter at 100 l. each - - - - -		200	-	-			
<i>Jaffna :—</i>					625	-	-
District judge - - - - -		1,200	-	-			
Secretary 100 l., and 2 clerks at 60 l. and 50 l. - - - - -		210	-	-			
Clerk of registry of notarial deeds - - - - -		60	-	-			
Interpreter - - - - -		75	-	-			
					1,545	-	-

CEYLON.

LIST of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—*continued.*

District Courts— <i>continued.</i>					
	£.	s. d.	£.	s. d.	
<i>Trincomalie :—</i>					
District judge, commissioner of requests, and police magistrate	1,000	—			
Secretary 120 <i>l.</i> , and clerk 75 <i>l.</i>	195	—			
Interpreter 75 <i>l.</i> , and native writer 27 <i>l.</i>	102	—			
			1,297	—	—
<i>Batticaloa :—</i>					
District judge, commissioner of requests, and police magistrate	650	—			
Secretary 75 <i>l.</i> , clerk 30 <i>l.</i> , and interpreter 27 <i>l.</i>	132	—			
			782	—	—
COURT OF REQUESTS AND POLICE COURTS.					
<i>Colombo :—</i>					
Commissioner of court of requests	650	—			
2 Clerks at 75 <i>l.</i> and 36 <i>l.</i>	111	—			
1 Singalese interpreter 75 <i>l.</i> 1 <i>s.</i> , Malabar interpreter 60 <i>l.</i> , and treasurer 36 <i>l.</i>	171	—			
			932	—	—
Police magistrate	650	—			
1 Clerk 80 <i>l.</i> , and 2 clerks at 36 <i>l.</i> each	152	—			
1 Singalese and 1 Malabar interpreter at 75 <i>l.</i> each	150	—			
2 Translators at 27 <i>l.</i> each	54	—			
			1,006	—	—
<i>Negombo :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk 80 <i>l.</i> , and interpreter 70 <i>l.</i>	150	—			
			525	—	—
<i>Avisavelle :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk 80 <i>l.</i> , and interpreter 70 <i>l.</i>	150	—			
			525	—	—
<i>Kandy :—</i>					
Commissioner of requests and police magistrate	650	—			
2 Clerks at 80 <i>l.</i> and 60 <i>l.</i> , and 2 interpreters at 75 <i>l.</i> each	290	—			
Head process server	48	—			
			988	—	—
<i>Kaigalle :—</i>					
Commissioner of requests and police magistrate	325	—			
Clerk and interpreter at 75 <i>l.</i> each	150	—			
			475	—	—
<i>Matelle :—</i>					
Commissioner of requests and police magistrate	650	—			
Clerk 80 <i>l.</i> , and interpreter 70 <i>l.</i>	150	—			
			800	—	—
<i>Gampola :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk 80 <i>l.</i> and interpreter 70 <i>l.</i>	150	—			
			525	—	—
<i>Nuwera-Ellia :—</i>					
Commissioner of requests and police magistrate	187	10			
Clerk and interpreter at 75 <i>l.</i> each	150	—			
			337	10	—
<i>Madderalletinne :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk 80 <i>l.</i> and interpreter 70 <i>l.</i>	150	—			
			525	—	—
<i>Bentotte :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk and interpreter at 75 <i>l.</i> each	150	—			
			525	—	—
<i>Galle :—</i>					
Commissioner of requests and police magistrate	375	—			
2 Clerks at 75 <i>l.</i> and 36 <i>l.</i>	111	—			
2 Interpreters at 75 <i>l.</i> and 60 <i>l.</i> , and 1 translator at 27 <i>l.</i>	162	—			
			648	—	—
<i>Matura :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk 80 <i>l.</i> and interpreter 70 <i>l.</i>	150	—			
			525	—	—
<i>Hambantotte :—</i>					
Commissioner of requests and police magistrate	325	—			
Clerk 70 <i>l.</i> and interpreter 60 <i>l.</i>	130	—			
			455	—	—
<i>Calpentytyn :—</i>					
Commissioner of requests and police magistrate	375	—			
Clerk 60 <i>l.</i> and interpreter 37 <i>l.</i> 10 <i>s.</i>	97	10			
			472	10	—

LIST of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—continued.

CEYLON.

Court of Requests and Police Courts—continued.			£. s. d.
<i>Jaffna:—</i>			
Commissioner of requests and police magistrate - - -	500	- -	
2 Clerks at 70 <i>l.</i> and 40 <i>l.</i> , and interpreter at 60 <i>l.</i> - - -	170	- -	670 - -
<i>Point Pedro:—</i>			
Commissioner of requests and police magistrate - - -	375	- -	
Clerk 60 <i>l.</i> and interpreter 40 <i>l.</i> - - - - -	100	- -	475 - -
<i>Chavagacherry:—</i>			
Commissioner of requests and police magistrate - - -	375	- -	
Clerk at 60 <i>l.</i> and interpreter 40 <i>l.</i> - - - - -	100	- -	475 - -
<i>Cayts:—</i>			
Commissioner of requests and police magistrate - - -	375	- -	
Clerk - - - - -	60	- -	435 - -
<i>Mullettoe:—</i>			
Commissioner of requests and police magistrate - - -	375	- -	
Clerk 60 <i>l.</i> and interpreter 40 <i>l.</i> - - - - -	100	- -	475 - -
<i>Mallagam:—</i>			
Commissioner of requests and police magistrate - - -	375	- -	
Clerk 60 <i>l.</i> and interpreter 40 <i>l.</i> - - - - -	100	- -	475 - -
<i>Justice of the Peace for the North-western, Northern, and Eastern Provinces, at 18<i>s.</i> per diem</i>			
Interpreter to ditto - - - - -	328	10 -	
	60	- -	388 10 -
ECCLESIASTICAL DEPARTMENT.			
Bishop of Colombo - - - - -	2,000	- -	
Registrar to ditto 100 <i>l.</i> , and clerk 50 <i>l.</i> - - - - -	150	- -	
Senior colonial chaplain, St. Peter's Church, Colombo - - -	800	- -	
Officiating clergyman to the troops, ditto - - - - -	100	- -	
Colonial chaplain, Trinity Church, ditto - - - - -	700	- -	
Singalese chaplain, St. Paul's Church, ditto - - - - -	400	- -	
Portuguese chaplain, ditto - - - ditto - - - - -	250	- -	
Malabar chaplain, St. Thomas' Church, ditto - - - - -	108	- -	
Singalese chaplain, Galkisse and Morotto - - - - -	250	- -	
Colonial chaplain, Galle - - - - -	700	- -	
Ditto - - Kandy - - - - -	500	- -	
Ditto - - Kandy District - - - - -	200	- -	
Ditto - - Trincomalie - - - - -	700	- -	
Ditto - - Jaffna - - - - -	200	- -	
Ditto - - Nuwera-Ellia - - - - -	150	- -	
11 Catechists; 3 at 48 <i>l.</i> each, 2 at 36 <i>l.</i> each, 5 at 30 <i>l.</i> each, and 1 at 27 <i>l.</i> - - - - -	393	- -	
Colonial chaplain of the Scotch Presbyterian Church, Colombo - - -	500	- -	
Ditto - - - - ditto - - - Kandy - - - - -	400	- -	
Ditto - - of the Presbyterian Church, Galle - - - - -	250	- -	
Ditto - - of the Dutch Church, Colombo - - - - -	400	- -	
Proponent of the Dutch Church, Galle - - - - -	54	- -	
Catechist of the Dutch Church, Jaffna - - - - -	35	2 -	9,240 - -
EDUCATIONAL DEPARTMENT.			
Principal of the Colombo academy - - - - -	560	- -	
Second master of ditto - - - - -	320	- -	
Inspector of schools - - - - -	200	- -	
Secretary of the school commission - - - - -	50	- -	
Principal of the central school and native normal institution - - -	450	- -	
Head master of the central school, Colombo - - - - -	78	- -	
Ditto of the native normal institution - - - - -	68	- -	
Ditto of St. Peter's school, Colombo - - - - -	68	- -	
Ditto of St. Thomas's school, ditto - - - - -	84	- -	
2 Assistant ditto - - - ditto - ditto, at 36 <i>l.</i> and 30 <i>l.</i> - - -	66	- -	
Head ditto of the Colombo boys' school - - - - -	84	- -	
Assistant ditto - - - - ditto - - - - -	42	- -	
Head ditto of the school at Grand Pass - - - - -	84	- -	
2 Assistant ditto - - - ditto - at 36 <i>l.</i> and 30 <i>l.</i> - - -	66	- -	
Head ditto of the school at Morotto - - - - -	60	- -	
Ditto - ditto - Negombo - - - - -	60	- -	
Ditto - ditto - Caltura - - - - -	84	- -	
Ditto - ditto - Mattacooley - - - - -	42	- -	
Ditto - ditto - Colpetty - - - - -	48	- -	
Ditto - ditto - Galkisse - - - - -	48	- -	
Ditto - ditto - Pantura - - - - -	48	- -	
Ditto - ditto - Wadowe - - - - -	42	- -	

CEYLON.

LIST of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—*continued.*

Educational Department—continued.		£.	s.	d.	£.	s.	d.
Head assistant of the school at Ratnapoora and Kaigalle at 36 <i>l.</i> each	- - - - -	72	-	-			
Principal teacher of the Colombo girls' school	- - - - -	210	-	-			
Ditto - of the female seminary at Colombo	- - - - -	210	-	-			
Assistant teacher - - - ditto - - - ditto	- - - - -	48	-	-			
Teacher of the female school at Colpetty	- - - - -	30	-	-			
Ditto Wellicadde gaol school	- - - - -	36	-	-			
Writing master of the female seminary and Colombo girls' school	- - - - -	42	-	-			
Clerk of the central school commission	- - - - -	74	-	-			
Matron of the orphan asylum, Colombo	- - - - -	90	-	-			
Assistant - - - ditto - - - ditto	- - - - -	36	-	-			
3 Masters of the schools at Calpenty, Chilaw, and Putlam, at 36 <i>l.</i>	- - - - -	108	-	-			
3 Masters of the school at Kurnegalle	- - - - -	48	-	-			
Head master of the elementary school at Galle	- - - - -	78	-	-			
Ditto - - - ditto - - - Matura	- - - - -	68	-	-			
Ditto - - - mixed school at Galle	- - - - -	48	-	-			
4 Head masters of the mixed schools at Bentotte, Belligara, Dodandowe and Hickedde, at 36 <i>l.</i>	- - - - -	144	-	-			
Master and mistress of the girls' school at Galle, at 36 <i>l.</i>	- - - - -	72	-	-			
Head master of the elementary school at Trincomalie	- - - - -	60	-	-			
Ditto - - - mixed school - - - ditto	- - - - -	48	-	-			
Mistress of the girls' school - - - ditto	- - - - -	36	-	-			
Ditto - parochial school - - - ditto	- - - - -	30	-	-			
Head master of the mixed school at Manaar	- - - - -	36	-	-			
Ditto - - - elementary school at Kandy	- - - - -	72	-	-			
Ditto - - - mixed school - - - ditto	- - - - -	48	-	-			
3 Head masters - - - ditto - - - Gampola, Neuwera- Ellia, and Badalla, at 48 <i>l.</i> each	- - - - -	144	-	-			
					4,540	-	-
MEDICAL DEPARTMENT.							
Principal civil medical officer	- - - - -	300	-	-			
2 Clerks to ditto at 75 <i>l.</i> and 50 <i>l.</i> , and one translator at 30 <i>l.</i>	- - - - -	155	-	-			
5 Superintendents of vaccination at 90 <i>l.</i> each	- - - - -	450	-	-			
3 Medical assistants at 250 <i>l.</i> each	- - - - -	750	-	-			
13 Ditto sub-assistants at 150 <i>l.</i> each	- - - - -	1,950	-	-			
24 Ditto - - ditto - 110 <i>l.</i> each	- - - - -	2,640	-	-			
3 Ditto - - ditto - 90 <i>l.</i> each	- - - - -	270	-	-			
1 Vaccinator	- - - - -	90	-	-			
Medical officer in charge of civil duties at Hambantotte, at 3 <i>s.</i> per diem	- - - - -	54	15	-			
6 Native vaccinators in the Western Province, at 27 <i>l.</i> each	- - - - -	162	-	-			
4 Ditto - - - ditto - Southern ditto at 36 <i>l.</i> each, and 2 at 27 <i>l.</i> each	- - - - -	126	-	-			
1 Native vaccinator in the Eastern Province	- - - - -	27	-	-			
2 Ditto - - - ditto - Central ditto at 30 <i>l.</i> each	- - - - -	60	-	-			
1 Overseer, lunatic hospital, Colombo	- - - - -	27	-	-			
1 Dresser, Pettah - ditto - ditto	- - - - -	36	-	-			
					7,097	15	-
Colombo :— POLICE ESTABLISHMENTS.							
Superintendent of police	- - - - -	300	-	-			
Assistant superintendent	- - - - -	99	-	-			
Clerk	- - - - -	73	16	-			
3 Inspectors; 1 at 78 <i>l.</i> , 2 at 66 <i>l.</i> each, and 1 sub-inspector at 42 <i>l.</i>	- - - - -	252	-	-			
1 Inspector at Negombo 72 <i>l.</i> , and 1 at Galle 60 <i>l.</i>	- - - - -	132	-	-			
Kandy :—							
Superintendent of police	- - - - -	250	-	-			
1 Clerk and 1 inspector, at 72 <i>l.</i> each	- - - - -	144	-	-			
5 Serjeants at 30 <i>l.</i> each	- - - - -	150	-	-			
Assistant superintendent rural police	- - - - -	120	-	-			
1 Inspector, 84 <i>l.</i> , and 1 sub-inspector, 50 <i>l.</i> 14 <i>s.</i>	- - - - -	134	14	-			
5 Serjeants at 30 <i>l.</i> each	- - - - -	150	-	-			
					1,805	10	-
FISCALS IN THE PROVINCES, INCLUDING GAOLS.							
Western Province :—							
Fiscal	- - - - -	650	-	-			
4 Clerks, at 70 <i>l.</i> , 65 <i>l.</i> , 60 <i>l.</i> , and 50 <i>l.</i>	- - - - -	245	-	-			
Singhalese interpreter and translator	- - - - -	45	-	-			
1 Process clerk and Malabar writer, 30 <i>l.</i> , and 1 process clerk, 27 <i>l.</i>	- - - - -	57	-	-			
Auctioneer, 50 <i>l.</i> , and shroff, 30 <i>l.</i>	- - - - -	80	-	-			
Governor of the Willicadde gaol	- - - - -	100	-	-			
Chief turnkey and clerks of works	- - - - -	60	-	-			
7 Overseers, 2 at 36 <i>l.</i> , and 5 at 30 <i>l.</i> each	- - - - -	222	-	-			

List of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—continued.

Fiscals in the Provinces, including Gaols—continued.	£.	s.	d.	£.	s.	d.
<i>Western Province—continued.</i>						
Gaoler at Hulfsdorp - - - - -	50	-	-			
Assistant ditto, and overseer, 30 l. each - - - - -	60	-	-			
Deputy fiscal, Caltura, 36 l., and clerk, 30 l. - - - - -	66	-	-			
Ditto - - Negombo, 36 l., and clerk, 30 l. - - - - -	66	-	-			
Ditto - - Ratnapoora - - - - -	27	-	-	1,728	-	-
<i>North-western Province:—</i>						
2 Clerks at Putlam, at 50 l. and 30 l. - - - - -	80	-	-			
Gaoler - - ditto - - - - -	36	-	-			
2 Deputy fiscals at Chilaw and Putlam, at 27 l. each - - - - -	54	-	-			
Clerk at Kurnegalle, 45 l., and translator, 30 l. - - - - -	75	-	-	145	-	-
<i>Southern Province:—</i>						
2 Clerks at Galle, at 70 l. and 60 l. - - - - -	130	-	-			
Interpreter and translator, 45 l., and process-writer, 36 l. - - - - -	81	-	-			
Gaoler, 60 l., and shroff, 30 l. - - - - -	90	-	-			
Clerk at Bentotte, 36 l., and translator, 30 l. - - - - -	66	-	-			
Ditto Matura, 36 l., and translator, 30 l., and gaoler, 30 l. - - - - -	96	-	-			
Ditto Tangalle, 36 l., and translator and gaoler, 30 l. each - - - - -	96	-	-			
Ditto Hambantotte, 36 l., and gaoler, 30 l. - - - - -	66	-	-	625	-	-
<i>Eastern Province:—</i>						
2 Clerks at Trincomalie, at 60 l. and 45 l. - - - - -	105	-	-			
Gaoler at - ditto - - - - -	40	-	-			
Clerk at Batticaloa, 60 l., and translator, 36 l. - - - - -	96	-	-	241	-	-
<i>Northern Province:—</i>						
3 Clerks at Jaffna, at 70 l., 50 l., and 40 l. - - - - -	160	-	-			
Interpreter and translator, 50 l., and gaoler, 70 l. - - - - -	120	-	-			
Clerk and auctioneer at Manaar - - - - -	40	-	-	320	-	-
<i>Central Province:—</i>						
Deputy Fiscal, Kandy, 120 l., and clerk, 100 l. - - - - -	220	-	-			
2 Translators, at 60 l. and 30 l. - - - - -	90	-	-			
Gaoler, 100 l. and overseer, 36 l. - - - - -	136	-	-			
Deputy Fiscal at Badulla - - - - -	36	-	-			
Clerk and Translator at Matelle - - - - -	50	-	-	532	-	-
<i>Colonial Commissary:—</i>						
Deputy commissary-general - - - - -	1,000	-	-			
Assistant commissary-general, at 10 s. per day - - - - -	182	10	-			
6 Clerks, 1 at 150 l., 1 at 100 l., 1 at 75 l., 2 at 50 l. each, and 1 at 30 l. - - - - -	455	-	-			
Shroff - - - - -	36	-	-			
3 Clerks of stores, 1 at 100 l. and 2 at 50 l. each - - - - -	200	-	-			
2 Storekeepers at 75 l. each, and 1 overseer at 36 l. - - - - -	186	-	-			
1 Clerk of timber-yard, 50 l., and 1 overseer at 50 l. - - - - -	100	-	-			
Deputy assistant commissary at Trincomalie, at 7 s. 6 d. per diem - - - - -	136	17	6			
3 Clerks, at 75 l., 50 l., and 36 l., and 1 cooper at 36 l. - - - - -	197	-	-			
Deputy assistant commissary at Galle, at 7 s. 6 d. per diem, and additional pay 99 l. - - - - -	235	17	6			
2 Clerks, at 75 l. and 40 l. - - - - -	115	-	-			
Deputy assistant commissary at Kandy, at 7 s. 6 d. per diem - - - - -	136	17	6			
4 Clerks, 1 at 100 l., 1 at 60 l., and 2 at 50 l. each - - - - -	260	-	-			
Storekeeper, 75 l., cooper, 31 l. 10 s., measureman, 25 l. 7 s. - - - - -	131	17	-			
Storekeeper timber-yard - - - - -	75	-	-	3,447	19	6
MILITARY DEPARTMENTS.						
<i>Assistant Military Secretary's Office:—</i>						
4 Clerks, at 150 l., 100 l., 75 l., and 50 l., and additional clerk, 40 l. - - - - -	415	-	-			
<i>Deputy Adjutant-general's Office:—</i>						
3 Clerks, at 140 l., 75 l., and 36 l. - - - - -	251	-	-			
<i>Deputy Quartermaster-general's Office:—</i>						
2 Clerks, at 120 l. and 75 l., and 2 draftsmen, at 100 l. and 75 l. - - - - -	370	-	-			
<i>Principal Medical Officer's Office:—</i>						
3 Clerks, at 150 l., 75 l., and 36 l. - - - - -	261	-	-			
Garrison Staff Officer, Colombo, 1 clerk - - - - -	50	-	-			
Ditto - ditto - Trincomalie, ditto - - - - -	30	-	-			
Ditto - ditto - Galle - - ditto - - - - -	30	-	-			
Ditto - ditto - Kandy - - - - -	50	-	-			

CEYLON.

List of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—*continued.*

Military Departments— <i>continued.</i>				£.	s.	d.	£.	s.	d.
<i>Royal Engineer's Department :</i>				£.	s.	d.			
5 Clerks, 1 at 120 <i>l.</i> , 2 at 75 <i>l.</i> each, and 2 at 50 <i>l.</i> each	370	—	—						
Draftsman, 75 <i>l.</i> , superintendent and interpreter, 90 <i>l.</i>	165	—	—						
2 Assistant Superintendents, at 36 <i>l.</i> each	72	—	—						
Master carpenter and master mason, at 48 <i>l.</i> each	96	—	—						
4 Superintendents, Kandy, 2 at 36 <i>l.</i> 10 <i>s.</i> each,									
1 at 36 <i>l.</i> , and 1 at 27 <i>l.</i>	136	—	—						
3 Master smiths, carpenter, and mason, at 45 <i>l.</i> each	135	—	—						
1 Additional superintendent	60	—	—						
				1,034	—	—			
Agent in London, salary	—	—	—	—	—	—	2,491	—	—
							400	—	—
In all Salaries	—	—	—	—	—	—	152,361	16	4
FIXED ALLOWANCES.									
The Colonial Secretary	300	—	—						
The Civil Engineer	100	—	—						
The District Judge of Jaffna	50	—	—						
The Bishop of Colombo	500	—	—						
The Chaplain of the Scotch Presbyterian Church, Colombo	150	—	—						
Dissave of the 3 Korles and Lower Bulatgami in the Western Province	158	8	—						
6 Fisher headmen in the Western Province, 1 at 63 <i>l.</i> , 2 at 44 <i>l.</i> each, 1 at 36 <i>l.</i> , 1 at 31 <i>l.</i> 10 <i>s.</i> and 1 at 27 <i>l.</i>	245	10	—						
11 Kandian chiefs of the Central Province, 1 at 108 <i>l.</i> , 1 at 81 <i>l.</i> , 2 at 72 <i>l.</i> each, 1 at 63 <i>l.</i> , and 6 at 60 <i>l.</i> each	756	—	—						
Agent in London, for establishment	125	—	—						
In all Fixed Allowances	—	—	—	—	—	—	2,384	18	—
PENSIONS.									
<i>Payable in England :—</i>									
Sir E. Carrington	1,200	—	—						
Mr. C. E. Layard	800	—	—						
Messrs. Anstruther, Brownrigg, Carrington, Gay, and Forbes, at 600 <i>l.</i> each	3,000	—	—						
Messrs. Granville, Rodney, R. M. Sneyd, and Wright, at 550 <i>l.</i> each	2,200	—	—						
Messrs. Downing, Hooper, Pennell, and Richardson, at 500 <i>l.</i> ea.	2,000	—	—						
Messrs. Barnett, Blair, Moir, Scott, and Wilmot, at 450 <i>l.</i> each	2,250	—	—						
Messrs. Boyd, Bone, Huskisson, H. R. Sneyd, Wells, and Walker, at 400 <i>l.</i> each	2,400	—	—						
Mr. Penn 320 <i>l.</i> , Mr. Price 250 <i>l.</i> and Rev. J. Wenham 120 <i>l.</i>	690	—	—						
Mrs. Allen, Mrs. Arthur, Mrs. Blettermann, Mrs. Eden, Mrs. Fagan, Mrs. Gisborne, Mrs. Lusignam, Mrs. Marshall, Mrs. Rodney, Mrs. Harvey, and Mrs. Beaver, at 300 <i>l.</i> each	3,300	—	—						
Mrs. Hyde and Mrs. Marsh, at 60 <i>l.</i> each	120	—	—						
<i>Payable in Ceylon :—</i>									
Mr. Mooyaart	800	—	—						
Mr. Waring	240	—	—						
The Rev. C. David and Mr. G. Schrader, at 200 <i>l.</i> each	400	—	—						
Mr. H. Rudd	125	—	—						
Mr. J. Swan	120	—	—						
Messrs. J. J. Krickenbeck and P. F. Toussaint, at 112 <i>l.</i> 10 <i>s.</i> ea.	225	—	—						
Mrs. Dick	100	—	—						
Mr. J. A. Krickenbeck	96	—	—						
Mr. C. A. Vanderstraaten	93	15	—						
Messrs. Giffening, Freywer, and Lumbruggen, at 90 <i>l.</i> each	270	—	—						
Mr. Jongbloed	89	5	—						
Mr. Elders	83	3	3						
Mr. P. Rosemalecocq	75	—	—						
Mr. Barber	69	—	—						
Mr. Hansen	61	—	—						
Mrs. Krickenbeck, Mrs. de Saram, Mr. de Vos, and Mr. Lourensz, at 60 <i>l.</i> each	240	—	—						
Mr. Couderlag	58	10	—						
Mr. F. Smith	54	—	—						
Mr. W. A. Krickenbeck	52	10	—						
Mr. Labrooy and Mr. Schokman	150	—	—						
Mrs. Vanhoulin and Mr. F. de Rou, at 48 <i>l.</i> each	96	—	—						
Mr. Panditesekere	47	—	—						
Mrs. M. Vanderstraaten and Messrs. Toussaint, Ledube, Van Cenglenberg and Bartholomeasz, at 45 <i>l.</i> each	225	—	—						
Mr. P. Vandort	43	—	—						
Mr. S. Perera	42	—	—						
Mr. Fonseka and Mr. Theile	125	—	—						
Mrs. Hollowell and Mrs. Vanderspaar, at 40 <i>l.</i> each	80	—	—						
Mr. Rajepakse	39	12	—						

List of all Salaries, Fixed Allowances, and Pensions, from £. 25 and upwards, &c.—continued.

Pensions—continued.		£.	s.	d.	£.	s.	d.
<i>Payable in Ceylon—continued.</i>							
Mr. Norris	- - - - -	38	-	-			
Messrs. D. Rodrigo and N. Brokin, at 37 l. 10 s. each	- - - - -	75	-	-			
Mr. Aldous	- - - - -	41	-	-			
Mr. Dias	- - - - -	36	15	-			
Mrs. Fretz, Mrs. Kersse, Mrs. Hogg, and Mrs. Rose, Mr. Seyp, and Embulmegamma Banda, at 36 l. each	- - - - -	216	-	-			
Mr. Mendes	- - - - -	35	4	6			
Messrs. Vantort and Tillekeratin, at 34 l. each	- - - - -	68	-	-			
Mr. Heyser	- - - - -	33	18	7			
Messrs. De Vos, Maas and Hopker, and Mrs. Thele, at 33 l. 15 s. each	- - - - -	135	-	-			
Mr. Schwallie	- - - - -	33	-	-			
Messrs. Alvis and Pieris, at 32 l. 8 s. each	- - - - -	64	16	-			
Mrs. Morgan	- - - - -	31	10	-			
Messrs. Schubert and Ludckens, at 30 l. each	- - - - -	60	-	-			
Mr. Ebbenhost and Mr. Jauxz, at 28 l. each	- - - - -	56	-	-			
Messrs. Bracken, De Silva, W. de Run, Allendorf, Kerasawmy, De Silva, De Vos, and Gonegodde, and Mrs. Aradli, at 26 l. each	- - - - -	243	-	-			
Mrs. Hatch and Don Perera, at 26 l. each	- - - - -	52	-	-			
Mr. Vanderlinde	- - - - -	25	-	-			
In all Pensions	- - - - -				23,303	19	4
TOTAL	- - - - -	£.	178,050	14	2		
£.							
10 per cent. on 178,050 l. would produce	- - - - -	17,805					
5 per cent. on - ditto	- - - - -	8,902					

C. J. MacCarthy.

Appendix L.

TABLE, showing the Present and Proposed SALARIES in Revenue and Judicial Branch.

As at Present.

	£.		£.
Chief Justice - - - - -	2,500	District Judge, Commissioner, and Police	£.
Colonial Secretary - - - - -	2,800	Magistrate, Caltura - - - - -	575
Puisne Justice - - - - -	1,800*	Ditto - Ratnapoora - - - - -	575*
Ditto - - - - -	1,800*	Ditto - Chilaw - - - - -	575
Auditor-General - - - - -	1,750	Assistant Agent, Matelle - - - - -	550
Queen's Advocate - - - - -	1,500	Commissioner and Police Magistrate, Kandy	550
Treasurer - - - - -	1,500	Police Magistrate, Colombo - - - - -	550
Government Agent, Colombo - - - - -	1,500	Assistant Agent, Trincomalie - - - - -	520
Ditto - - - - - Jaffna - - - - -	1,500	Ditto - - - - - Kandy - - - - -	440
Ditto - - - - - Kandy - - - - -	1,500	Ditto - - - - - Colombo - - - - -	420
District Judge, Jaffna - - - - -	1,250	Ditto - - - - - Galle - - - - -	400
Deputy Queen's Advocate - - - - -	1,200*	Ditto - - - - - Jaffna - - - - -	400
Government Agent, Galle - - - - -	1,200	Commissioner and Police Magistrate, Jaffna	400
Ditto - - - - - Trincomalie - - - - -	1,200	Second Assistant Colonial Secretary -	355
District Judge, Colombo - - - - -	1,200	Commissioner and Police Magistrate,	
Ditto - - - - - Kandy - - - - -	1,200	Point Pedro - - - - -	345
Assistant Colonial Secretary - - - - -	1,000	Ditto - ditto - Kayts - - - - -	345
Government Agent, Putlam - - - - -	1,000*	Ditto - ditto - Savagaserry - - - - -	330
District Judge, Galle - - - - -	1,000	Ditto - ditto - Gampola - - - - -	330
District Judge, Commissioner, and Police		Ditto - ditto - Maddeweltenne - - - - -	330
Magistrate, Trincomalie - - - - -	1,000	Ditto - ditto - Bentotte - - - - -	330
Assistant Agent, Kurnegalle - - - - -	850	Assistant Auditor-General - - - - -	330
Ditto - - - - - Batticaloa - - - - -	850	Commissioner and Police Magistrate,	
Ditto - - - - - Matura - - - - -	730	Matura - - - - -	315
Ditto - - - - - Badulla - - - - -	730	Ditto - ditto - Kalpentyn - - - - -	315
Assistant Agent, District Judge, Commis-		Ditto - ditto - Negombo - - - - -	315
sioner, and Police Magistrate, Manaar	730	Ditto - ditto - Malletivoe - - - - -	315
Ditto - ditto - Annuradjapoora	730	Assistant Agent, Commissioner, and	
District Judge, Matura - - - - -	650	Police Magistrate, Nuera Elliya -	300
Assistant Agent, Commissioner, and		Commissioner and Police Magistrate,	
Police Magistrate, Hambantotte - - - - -	650	Arisawella - - - - -	300
Ditto - ditto - Kaigalle - - - - -	650	Ditto - - - - - ditto - - - - - Galle - - - - -	300
Commissioner of Requests, Colombo -	625	Deputy Queen's Advocate, Midland	
District Judge, Commissioner, and Police		Circuit, Colombo - - - - -	400
Magistrate, Tangalle - - - - -	625	Ditto - - - - - ditto - - - - - Kandy - - - - -	300
Ditto - Batticaloa - - - - -	625*	Ditto - - - - - ditto - - - - - Jaffna - - - - -	250
Assistant Agent, Ratnapoora - - - - -	575	Ditto - - - - - ditto - - - - - Galle - - - - -	200
District Judge, Commissioner, and Police			
Magistrate, Badulla - - - - -	575*		
Ditto - Kornegalle - - - - -	575		
			£. 51,530

As

* Appointments to be done away with.

CEYLON.

TABLE showing the Present and Proposed Salaries in Revenue and Judicial Branch—*continued*.

		<i>As Proposed.</i>	
	£.		£.
Chief Justice - - - -	2,000	District Judge, Commissioner and Police Magistrate, Tangalle - -	550
Colonial Secretary - - - -	2,000	Ditto - - ditto - - Chilaw - -	550
Auditor-General - - - -	1,750	Ditto - - ditto - - Caltura - -	550
Queen's Advocate - - - -	1,500	Assistant Agent, Colombo - - -	500
Treasurer - - - -	1,500	Commissioner of Requests, Colombo - -	500
Government Agent, Colombo - -	1,500	Police Magistrate, Colombo - -	500
Sessions Judge, Colombo - - -	1,500	Assistant Agent, Kandy - - -	450
Government Agent, Kandy - - -	1,350	Ditto - - - Galle - - -	400
Ditto - - - - Galle - - -	1,200	Ditto - - - Jaffna - - -	400
Ditto - - - - Jaffna - - -	1,200	Ditto - - - Trincomalie - - -	400
Ditto - - - - Trincomalie - - -	1,200	Commissioner of Requests and Police Magistrate, Kandy - - -	450
District Judge, Colombo - - -	1,200	Ditto - - ditto - - Galle - -	400
Ditto - - - Kandy - - -	1,200	Ditto - - ditto - - Jaffna - -	400
Ditto - - - Galle - - -	1,200	Assistant Agent, Commissioner, and Police Magistrate, Nawera-Ellia - -	300
Ditto - - - Jaffna - - -	1,200	Ditto - - ditto - - Mulletiwoe - -	300
Principal Assistant to Colonial Secretary	1,000	Commissioner and Police Magistrate, Kalpenty - - -	300
District Judge, Commissioner and Police Magistrate, Trincomalie - -	750	Ditto - ditto - Arisawella - -	300
Assistant Agent, Cornegalle - - -	750	Ditto - ditto - Gumpola - -	300
Ditto - - - Matura - - -	750	Ditto - ditto - Kornegalle - -	300*
Assistant Agent, District Judge, Commissioner, and Police Magistrate, Badulla - - -	750	Ditto - ditto - Heberenne - -	300*
Ditto - ditto - Annuradjapoor - -	750	Ditto - ditto - Bentotte - -	300
Ditto - ditto - Kaigalle - - -	750	Ditto - ditto - Matura - - -	300
Ditto - ditto - Ratnapoor - - -	750	Ditto - ditto - Mallagam - - -	300*
Ditto - ditto - Batticaloa - - -	750	Ditto - ditto - Point Pedro - -	300
District Judge, Kornegalle - - -	700	Ditto - ditto - Chavagacherry - -	300
Ditto - - Matura - - -	700	Ditto - ditto - Kays - - -	300
Second Assistant Colonial Secretary's Office - - - -	600	Deputy Queen's Advocate, Colombo - -	500
Assistant Agent, District Judge, Commissioner, and Police Magistrate, Putlam - - -	550	Ditto - - ditto - - Kandy - -	450
Ditto - ditto - Hambantotte - -	550	Ditto - - ditto - - Galle - -	400
Ditto - ditto - Manaar - - -	550	Ditto - - ditto - - Jaffna - -	400
Ditto - ditto - Matelle - - -	550	Ditto - - ditto - - Trincomalie - -	300*
District Judge, Commissioner, and Police Magistrate, Negombo - - -	550		
			£. 45,250

C. J. MacCarthy.

No. 2:

(No. 25.)

No. 2.

COPY of a DESPATCH from Viscount Torrington to Earl Grey.

Queen's House, Colombo, 15 January 1850.

(Received 25 Feb. 1850.)

My Lord,

Sent with Despatch, No. 192,
Dec. 14, 1849.

IN transmitting to your Lordship, by the last mail, the Report of the Committee of the Executive Council, dated 13th December, upon the fixed establishments of this colony, it was a source of much regret to me that I was unable to accompany it with such an exposition of my own views and sentiments upon its leading features and recommendations as would be calculated to assist your Lordship in arriving at a satisfactory conclusion upon the principles which it enunciated, and the practical results to which it pointed.

2. Although in dealing with an inquiry of so comprehensive a nature, embracing as in reality it must do the whole machinery of Government of a dependency having a mixed population of nearly a million and a half of inhabitants, composed of various, and in some respects dissimilar elements, I might have been disposed to devote to it a greater portion of time, and to have brought to bear a larger amount of research than it has been in my power to do, I am, nevertheless, unwilling longer to delay the expression of my sentiments upon the subject-matter of the Report, as well as upon some of the more important details upon which its recommendations are founded.

3. The high character and great official experience of the gentlemen who composed the Committee, and who have devoted so much time to the investigation, would naturally lead me to hesitate long and cautiously before I ventured to dissent in any essential points from the conclusions at which, after the

* New appointment.

mature deliberation, they had arrived. It is gratifying to me, therefore, to be able to state to your Lordship, that, with the exception of one or two subjects, (upon which I differ, and which are fairly open to question,) I have not seen reason to dissent in any important degree from their recommendations, which, on the contrary, viewed upon general grounds, I consider well calculated to affect both a reduction in the amount and an improvement in the distribution of the expenditure of the island. The latter part of this proposition is, in reality, in my opinion, at least of equal, if not even greater importance than the former, namely, the manner not less than the amount of the expenditure.

4. Although not brought legitimately within the scope of the present inquiry, I should also have been disposed to regard the mode of collection of the revenue, the sources from which it is derived, the abuses which either accompany or which grow out of its realization, and which too often press as positive burthens upon the people, unattended by any compensating advantage to the Government, as affording grounds for investigation certainly not less important than an examination into the methods of its appropriation or the urgency of the objects to which it is applied.

5. A taxation that involves an annual payment of only about 5s. 8d. per head of the entire population (taking the expenditure at 430,000 *l.*, and the population at nearly 1,500,000 *l.*) including the whole expenses of collection, cannot, strictly speaking, be deemed an oppressive burthen upon the people, and it will be remembered that in Ceylon the Government is expected to do everything for the people, who do little or nothing for themselves. It has to provide for education and for church establishments, to make roads and build bridges, to keep up hospitals and lunatic asylums, to find medical relief for the helpless, and charitable allowances for the destitute. Its watchfulness even descends to the sweeping of streets and cleansing of sewers. No detail is too minute for the supervision of the Government, which is called upon to pay for everything (even for the killing of dogs) out of its own limited resources. There are no local assessments for local purposes; even the police assessment is paid into the general revenue, which is again charged with the maintenance of that body. Not only is every gaol and every public building of a civil nature constructed at the expense of the general revenue, but every barrack and even every military defence is maintained out of colonial funds, upon which still further presses the heavy payment of the military contribution of 2,000 *l.* a month to the Queen's Chest. Charges that are elsewhere paid out of imperial funds for imperial purposes here constitute a burthen upon the Colonial Treasury; added to these are the heavy charges for the payment of colonial pensions, both civil and military, amounting in 1848 to upwards of 34,000 *l.*, (of which 4,583 *l.* 13s. for military pensions,) which cannot be immediately subject to reduction.

6. In point of fact, large even as is the expenditure for the administration of justice, (in which, without doubt, some reductions may be made to coincide with increased efficiency,) they do not much exceed the half of the military charges alone paid out of colonial funds.

7. While I am quite prepared to advocate the utmost reduction of expenditure in all branches in which it can be curtailed without detriment to the public service generally, and without impairing the real efficiency of establishments which cannot be dispensed with, I am unable to resist stating at once the conclusion to which a careful examination has led me, viz., that instead of being over-sanguine as to the possibility of making large prospective reductions, it will conduce to a wiser and more wholesome economy to find out in what way the expenditure can best be regulated, so as to ensure the largest amount of benefit from its appropriation; and likewise in what way the public revenue can be collected with least oppressiveness to the people and the largest amount of benefit to the Government.

8. It was justly remarked by one of the gentlemen who gave his evidence before the Committee, "tell me how much money you can afford to spend, and I shall have no difficulty in showing you how it can, in my opinion, be turned to the best possible account, in maintaining the necessary public establishments," and this appears to me to constitute, in point of fact, the whole essence of the present inquiry. It has nowhere, that I am aware of, been urged that the expenditure on the one hand has been recklessly wasteful or even carelessly excessive, nor that the amount of revenue collected has on the other hand, been

CEYLON.

oppressive, or the public burthens inequitably or injuriously distributed. The simple question has been, if I rightly comprehend its bearing, how to make both ends meet with somewhat falling revenue and an expenditure framed during more successful and promising periods? But superadded to this inquiry, and in spirit inseparable from it, is the question of improved administration and more efficient departmental organization.

9. So much importance do I attach to the "elasticity" of the revenues of Ceylon, so favourably am I impressed with the value of its resources and their capacity for development within reasonable limits, that I cannot bring myself to doubt that they will be found amply adequate to meet, under ordinary circumstances, the fair and legitimate necessities of the public service. While the sources from which an easy and equitable revenue can be raised, are multifarious, and, in some degree, vicarious in their operation, (the receipts from one source augmenting as those from another decline,) the amount collected, as already observed, is, in reality, small in proportion to the number of the contributors. Indeed, compared with some of our more purely English colonies, Ceylon appears to be singularly fortunate in this respect. Taking New South Wales as an example, although no portion of the military expenses are defrayed out of colonial funds, I find that, with a population of only 205,000 in 1847, the expenditure charged upon the ordinary revenue alone was 302,286 *l.*; and in 1846, with a population of 196,700, the ordinary charges amounted to 281,164 *l.* At the Cape of Good Hope, with a population estimated at 185,000, (of whom 80,580 white and 104,420 black,) the average revenue raised in the three years ending 1846 was 226,199 *l.*, and the average expenditure 212,209 *l.* Again, in Newfoundland I find, that with a population of less than 100,000 souls, the revenue of 1846 was 76,760 *l.*; and that of 1847, 69,253 *l.*

10. Without further alluding to details of other colonies already familiar to your Lordship, it may be permitted to me to observe, that Ceylon, with a population little short of a million and a half of inhabitants, of whom about 6,000 are white, distributed over an area of about 25,000 square miles; exporting produce of the value of nearly 650,000 *l.*, and importing goods and necessary articles of the value of 870,000 *l.* cannot be regarded as otherwise than very lightly burthened with a revenue amounting only to about 414,000 *l.* These are demonstrated facts as shown by the latest returns.

11. Bearing in mind, also, that the military and commissariat charges absorb nearly one-fifth of that amount, it will, I think, be evident, that although the public expenditure will bear reduction in some departments, and a more beneficial distribution of it may be adopted in others, the Civil Government of an island so peculiarly situated as is Ceylon cannot be efficiently and satisfactorily carried on upon any very largely reduced scale of establishments. The smaller the proportion which the military charges may be permitted to bear to the whole expenditure of the island the greater will be the amount which will be at our disposal for the improvement of public works, the extension of roads so urgently required in all directions, and, above all, for the enlargement of schools and the diffusion of public education, without which all our hopes of augmenting civilization and enlightenment must either vanish or be indefinitely postponed.

12. It will be in the highest degree satisfactory to me if it should be found practicable gradually, as a result of the labours of this Committee, to reduce the amount of taxation at present levied under some of the heads which appear most open to objection, or which press inconveniently upon particular classes, or may be found in any degree to retard the progress of industry. But I am fully of opinion, that with caution and judicious management, a revenue of upwards of 400,000 *l.* may be safely calculated upon, without pressing unduly in any manner upon the comforts, the enjoyments, or the industrial resources of the people.

13. This would scarcely be the fitting place to undertake a disquisition upon the form of government or the system of administration which, if we had now for the first time to deal with an island so peculiar as Ceylon, might be best suited to the wants or most consistent with the prejudices or traditional associations of its inhabitants. If the end of good government were assumed to be the "greatest happiness of the greatest number," we might be not unreasonably led to consider whether our efforts to engraft by a species of forced and artificial

ficial cultivation, the civilization of the western world upon the habits, and associations of an eastern people, we have, in reality, contributed to their happiness or the reverse. If an habitual submission to authority of some kind or other is natural to man in all stages of his social existence, it is certainly more natural to an Asiatic mind, and more consistent with the character which time and associations have stamped upon it, than, viewing it with European lights, we might at first be disposed to admit. Human reason should lead us perhaps to doubt the fact that an Eastern people are disposed to prefer being thought for, to thinking for themselves, but we cannot forget that "there is a strange mistrust of human reason in every human institution."

14. In a country like Ceylon we must be content to think for the people, until successive generations, illuminated by progressive civilization, shall have acquired the art and the habit of thinking for themselves. In the meanwhile we are not in a position at once and suddenly to delegate to the people even the local management of their own concerns, although the commencement of such an institution must not be indefinitely delayed. We are not yet prepared to relieve the Government of any considerable portion of that minute supervision and careful provision for the wants of the people, which in a more advanced stage might be better intrusted to themselves. Hence endless minute expenses must, of necessity, for a long time continue to be defrayed by Government, which under other circumstances might be safely left to the care and management of local bodies and the public spirit of society.

15. The elements of self-government are largely dependent upon the development of public opinion, which in its turn can only be the offspring of the progressive civilization of ages; and it is to be feared, that in the natural course of things neither the one nor the other can, properly speaking, be legitimately looked forward to in Ceylon within any short period. We must still be content to continue the direct interposition of Government in the minutest concerns of the people, and must be satisfied to defray the cost of that interposition out of public funds. Hence I arrive at the conclusion, that with the utmost anxiety to bring the public expenditure within the narrowest practicable limits, there is a point beyond which it would neither be consistent with judicious and wholesome economy, nor in accordance with the high duties which the civilizing mission of England has imposed upon her to extend the mere curtailment of public expenditure.

16. In the Report itself, it is shrewdly questioned whether Ceylon is to be regarded as a colony, in the stricter sense, or whether it should not be rather treated as an Eastern dependency, and governed as such. But whatever views we may entertain theoretically upon this point, we cannot refuse to adopt the fact, that it has hitherto been treated in a great degree as a colony, in the stricter sense. Our legislation has taken that direction within the island, we have inculcated European principles in the conduct of our administration, we have slighted and even over-ridden some of the native customs and prejudices, and, lastly, we have our charter of justice, and our trial by jury. Christianity has begun to spread its light in every quarter, and every man has been taught to believe that in the eye of the law he is equal with his neighbour. These are not Eastern but European principles, and having once annunciated them, and set in motion the machinery for their practical development, we cannot recede from the position we have assumed; we cannot restore forced labour, nor re-establish slavery; neither can we again uphold the minute distinctions of caste, or abolish trial by jury in criminal cases. We are compelled to accept the inconveniences which are incident to, or perhaps inseparable from, the attempt to introduce a new species of civilization (and that, perhaps, somewhat abruptly) for the sake of the counterbalancing advantages which the future holds out to us.

17. Neither can we, on the other hand, draw a parallel between Ceylon and the continent of India. In many respects, the habits, the customs, and the associations of the inhabitants of this island are entirely dissimilar from those of the continental nations and tribes. The Mahomedan and the Hindoo law finds little or almost no place in the judicial administration of Ceylon. The laws of India, as well as the courts of justice, so far as the natives are concerned, proceed from a government perfectly opposite in its spirit to that of England, and the application of them has become familiar to the people through customs not less dissimilar from our own. Neither can we forget that for more than 200

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years European civilization has been struggling to make progress in the maritime provinces of Ceylon, and that we acknowledge the Roman-Dutch law, or the civil law, to be the *lex loci*, although we have thought proper to encumber its administration with the complexities of English forms and pleadings.

18. Taking a broad and practical view of the whole question, I cannot resist the conclusion that, although it may prove to be highly conducive to the better government of the people, and more satisfactory to them generally, that we should make use of native agency more extensively than hitherto, (or rather, I should say, upon broader and more defined principles) for the management of native concerns and interests, I am not quite prepared to admit that we are to cease to look upon Ceylon as a colony, or to regard it merely as an Indian dependency of the British Crown. Nor can I omit to recal to mind that from the very beginning of our administration, or taking over the island from the East India Company, it was distinctly laid down by the Right Honourable Henry Dundas, not only that Ceylon was to become a Royal Government, and its affairs to be administered upon strictly colonial principles, but that, "after much reading and reflection, and after hearing the opinions of the best informed persons, he was convinced that he was consulting the best interests of the island by advising that it should be so administered."

19. Although I am fully disposed to admit that some of our innovations may have been premature, and others too extensive in their application (as, for instance, the sudden exemption of the people from all liability to render services to Government, even as a condition of tenure, without demanding any equivalent in return), these are concessions which cannot now be recalled, and the whole bent of our legislation having been directed, whether prematurely or otherwise, towards liberal and strictly European principles, it is now somewhat late to retrace our steps, and recede from the position we have assumed.

20. With these preliminary observations, I proceed to the consideration of the more important recommendations contained in the Report of the Committee, but I do so in somewhat general terms, for I apprehend that the minuter details, which will demand inquiry, must of necessity be left to more open discussion before the Legislative Council, when the whole subject shall have been formally submitted to their scrutiny.

Establishments.

21. It is remarked in the Report, that our establishments must be "proportioned" to their (the natives') wants, and not to our ideas." But the observations I have already offered will, I think, show that we could not exactly limit our establishments to the mere requirements of the native inhabitants, unless we were prepared to accept their own enunciation of their wants as the guide for our proceedings; nor can we omit to regard the European interests, which have become developed under our fostering care, as of the highest importance, and demanding our most cautious support.

22. The large expenditure upon roads and public works has been, in a great measure, necessitated by the introduction of European capital, and the extension of European enterprise. Our administration of justice upon English principles has necessarily demanded a large expenditure of public money to attain the object, and our multifarious institutions, destined for the promotion of civilization among the people, are of necessity somewhat complicated and costly.

23. The general tendency of the recommendations of the Report I conceive to be directed towards the consolidation of offices, the accumulation of responsibility in the hands of individual officers, and especially of the agents of provinces, the exacting of increased watchfulness and constant assiduity from the responsible officers of Government, and the promise to them of reasonable reward and adequate encouragement to exertion. In this respect I entirely concur in the views expressed in the Report. I am confident that our economical measures would be more wisely directed to a diminution in the number of offices than to a reduction in the remuneration of officers, some of whom, indeed, are already under-paid.

24. "Convinced as I am," observed Lord North, "of the propriety of not forming the establishments of this island on so magnificent or expensive a scale as those of the Company's Government in our neighbourhood, at I am
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at the same time sensible that many of the causes which have rendered necessary the expensiveness of those establishments must, in a certain degree, operate on those which are to be formed here." That able Governor dwelt strongly upon the necessity of maintaining, on the part of public servants, a respectable position in the eyes of the natives, and upon the importance of holding out a prospect of future provision in after-life to gentlemen who had spent their best years and exhausted their health in the public service, in a remote and tropical country, in order that their zeal and industry might be animated and kept alive for the public good. Successive Secretaries of State, —Mr. Dundas, Lord Hobart, and others—concurred entirely in these views, and hence originated (in addition to a liberal provision during the period of service) the idea of a pension scheme, which was first propounded in detail by Lord Hobart in 1804.

23.* In the Report of the Committee recently transmitted to your Lordship, the necessity for retaining an exclusive or almost an exclusive civil service for Ceylon, together with a scheme for future provision by way of pension, is strongly dwelt upon. In this recommendation I am disposed, after much reflection, to concur, and for the following reasons among others:—I assume, however, that in special and extraordinary cases power would remain, as it ought to do, with the Secretary of State to fill up directly some one or more of the higher offices from home, but such a contingency would probably be rare.

24.† The geographical outline of Ceylon, as well as its internal configuration, taken in connexion with the diversities of its population, their languages and their customs, seem to render it absolutely necessary, that for the purposes of its civil government it should be divided into not less than five provinces, as recommended in the Report (at present there are six provinces), each of which must have, what might be called, its own little provincial government, subordinate to and under the immediate guidance of the general government of the island. This form of administration extends likewise to the administration of justice; and according to the plan proposed in the Report it will become more completely developed than is now the case, for in addition to the District Courts and Magisterial Courts, and Courts of Requests, already existing, there will be in four out of the five provinces Session Courts, having unlimited jurisdiction both in civil and criminal proceedings, and constituting a Court of Appeal for all the Courts of Requests within the province.

25. Besides the higher provincial offices requiring to be filled not only by men of ability and education, but by men of practical experience and local acquaintance with the manners, usages, and, above all, the languages of the people, there will also be various higher departmental offices which demand the services of experienced and able men. How are these to be obtained, except through a long course of preliminary training and local discipline? and what greater, or what more necessary, inducement on the other hand could be held out to those who are passing through the successive gradations of service than the prospect of rising to the highest positions, by demonstrating their zeal in the public service, and their fitness for promotion?

26. Similar reasons which held good on the Continent of India, although in a lesser degree, are valid, for the maintenance of an exclusive civil service in Ceylon. The special preliminary education, the progressive local training, the arduous study of the native languages, adequate present remuneration, together with reasonable future prospects; these appear to me to be necessary elements for upholding a body of able and high-minded public servants, such as are requisite for the efficient and satisfactory government of so important and peculiar a possession as Ceylon. I am satisfied that real economy would be wisely sustained by this arrangement; that the real wants of the inhabitants would be most judiciously met, and the character of the Government most worthily sustained.

27. I entirely concur also in the view taken in the Report respecting an improved pension scheme for the civil service. The original plan suggested by Lord Hobart, in 1804, gave too limited a period of service for entitling a public servant to pension irrespective of the state of his health. The period then fixed was only 12 years' resident service; but two years' furlough might be granted, which however were not to be regarded as years of service. All members of the civil service were required to pay 10 per cent. out of their

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salaries towards the maintenance of a distinct pension fund, to which also a sum, equal to the aggregate yearly amount paid by the contributors, was also to be added out of the island revenues. The fund thus constituted was to be invested in the names of trustees upon good and sufficient security, and it was hoped that in a few years it would amount to a sufficient sum to be able to support the charges for pensions as they gradually became payable, without imposing any further burthen upon the public finances. An increased rate of pension was to be granted in proportion as the period of service extended to 15 or 18 years. But the Government reserved to itself the right of ceasing to contribute any further to that fund, and even of diverting it, or of appropriating it, altogether, subject however in that case to the payment of the pensions.

28. It would be scarcely necessary, on the present occasion, to trace in detail the history of the pension scheme in Ceylon. The plan above detailed was abandoned after some years; but in 1845 a new scheme was introduced (upon the occasion of the remodelling of the civil service by Lord Stanley), framed more upon the principles of the English Superannuation Act. Since that period the revenues of the island have been made entirely chargeable with the payment of all colonial pensions, both civil and military, without the aid of any special accumulating fund. And further, not only gentlemen belonging to the civil service, but the clergy and others have been admitted to the privileges of prospective pension, dating back their period of service, so as to entitle them to the benefits of that privilege from the commencement of their public employment, but only paying the deduction of 5 per cent. from their annual salaries towards the general revenue from the year 1845, thus becoming entitled to an amount of advantage which they had originally no reason to expect, and for which they had not adequately paid.

29. The charges for the payment of pensions have already become a very heavy burthen upon the public finances, which must of necessity go on increasing for some years to come, until it shall have attained its maximum amount. I entirely agree with the proposal advanced in the Report, that means should be adopted, as early as practicable, for lightening prospectively as much as possible this burthensome payment, which already amounts to upwards of 34,000 *l.* a year. The plan which has been recommended in the Report seems to me to be well calculated to effect this object, namely, to establish a real *bonâ fide* pension fund, to be invested in English public securities in the name of trustees, and to allow this fund to accumulate by the annual deduction of 5 per cent. from the salaries of all contributors, which would go to augment it; and I should be disposed to recommend that an addition be made to the fund out of the public revenues of a sum equal to the aggregate amount derived from the contributions of the civil servants, but that after a certain accumulation had taken place, the further contribution of Government should cease. The annual proceeds or interests of this investment would be paid into the public chest, and, of course, the charges for pensions would be payable out of the public revenue.

30. Although at the very outset some increase in the public expenditure would be occasioned by this arrangement, it is obvious that the effect of properly framed regulations upon this subject would be the gradual and progressive relief of the current revenue of the colony altogether from the very inconvenient burthen which now presses heavily upon it. But whatever plan may be ultimately adopted, in order to ensure a reasonable provision for retirement for public servants in this colony, I am strongly disposed to support the proposition that some such provision is in the highest degree expedient, not only as an encouragement to industry and zeal, but also as a sufficient ground, upon economical considerations, for fixing the annual salaries upon a much more moderate scale than would otherwise be the case.

31. No calculations have yet been attempted, as to the probable effect of the duration of life in this island upon the prospects of accumulation of such a fund, nor could any such be undertaken without more accurate data than have yet been collected. It should not, however, be forgotten, that the premium payable for the life insurance of a public servant in Ceylon is double the amount payable in England, and which, therefore, constitutes a peculiar charge upon his income here which he has not to pay at home.

32. The regulations of 1845 prescribed the age of 55 years as the earliest at which

which any claim for pension whatever could be entertained, which would assume for a young writer a period of about 35 years' public service. This appears to me to be far too long a period to expect his efficiency to be maintained in a tropical climate; neither would it be just to shut the door to promotion to the junior members so completely as would, without doubt, be the ultimate effect of this regulation. I should propose that 20 years should be the period at which the earliest claim for pension could be brought forward, and other regulations might, without difficulty, be framed, should the general principle laid down in the Report be approved of, which would be well calculated to secure the great end in view, namely, that of making a reasonable provision for the retirement of officers, without imposing an undue burthen upon the current revenue of the island.

33. In the remarks (which I shall however endeavour to make as limited as possible) upon the different public Establishments I shall follow the arrangement adopted in the Report. First, then, of the Governor:—

The Governor.

It has for some little time past been a subject of question in other colonies, as well as in Ceylon, whether the salaries of the Governors of many, if not all, of our colonial dependencies, ought not to be paid out of imperial rather than out of colonial funds. Such a proposal would, without doubt, be joyfully accepted by all our colonies, and has been even advocated by high authority at home; it is not surprising, therefore, that its many advantages should have met favour at the hands of the Committee. But as I can scarcely venture to anticipate the concession by the Imperial Parliament of such a disinterested proof of parental affection towards the colonial dependencies, I pass to the consideration of the next proposition alluded to in the Report, namely, the opening the door of promotion to the civil servants of Ceylon, even to the full extent of rendering the appointment, so to speak, of a Civil Service Governor, that is, a Governor selected from the members of the civil service, almost, or indeed altogether, a matter of course under the ordinary current of events. In such a case his salary would be reduced to 4,000 *l.* a year, and the Colonial Secretary, so far as the greater part of his present functions are concerned, would be dispensed with altogether. In other words, the proposition, as far as I can understand it, would amount to this, "have no Governor at all; let the Colonial Secretary be raised to the nominal post of Governor, doing also Colonial Secretary's duty; let all the business of Government, so far as concerns the preparation of orders, the maturing of measures, and the discussion of principles, be done by and in the Executive Council; and let the new so-called Colonial Secretary be reduced to a lower position, and become merely a better sort of head clerk of the Colonial Secretary's, or, as it would then probably come to be designated, the Colonial Council Office."

34. As the above proposal for a Civil Service Governor was, after some discussion, not finally adopted by the Committee, I shall have few remarks to offer respecting it. The objections to it appear to me to be so obvious and so insuperable, that I should scarcely have alluded to it further, were it not for the purpose of noticing one or two observations in the Report upon the subject of the Governor's position and authority, to the correctness of which I am unable to assent.

35. It is stated, "that the Governor has hitherto taken so much of the whole power and business of the Government upon himself individually, as to be, in fact, almost a despotic potentate." To this it can only be replied, that the powers of the Governor are strictly defined, and limited by the Royal Instructions. It is true that, although bound to consult his Executive Council upon all matters not of very minor importance, he possesses the privilege of acting, nevertheless, upon his own responsibility, in direct opposition to their advice. But I am not aware that, in any important matter, so grave a responsibility has been really assumed; and, for myself, I am happy to be able conscientiously to declare, that on many occasions I have surrendered my own preconceived opinions altogether to the advice of my Council, whose recommendations I have adopted.

36. On the other hand, the opposite proposition is also assumed as a possible occurrence in the Report, viz., that the Governor may be a mere cipher in the

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hands of the Colonial Secretary, or else that the Colonial Secretary may be in reality a "duplicate Governor." It seems to me that the whole of these ideas are strained and overcharged. No doubt, the machinery of Government, complicated and delicate as it is in its structure, must at all times be liable to work either well or ill; to move with quiet regularity, or else with noisy uneasiness; according as it is constructed of good or bad materials, or set in motion by skilful or by inexperienced hands. The principle of its movements may be excellent in the abstract, and the mechanism of its structure well adapted to the purposes of its formation; yet its movements may be crippled through the want of skilful guidance or careful adjustment.

37. For my own part, I conceive that the present Royal Instructions are admirably calculated to give to the Governor all the assistance from his executive advisers with the requirements of the public service, and prudential considerations of policy, can require. But much of its value and importance must of necessity depend upon the amount of talents and abilities which the members who compose it may possess. The more able and experienced they may be, the greater confidence will the Governor repose in their advice, and the more anxiously will he be guided by their judgment. Moreover, it will be obvious that, at the commencement of his administration, a new Governor will stand in need, not only for the advice, but even of the instruction as regards local matters, of the members of his Council. But it is equally indisputable that he possesses no power of changing his Councillors; he cannot seek for abler men, or call to his aid in the Council itself, more experienced or more judicious advisers. They become members of his Council by virtue of the departmental offices which they hold, and from which (except for misconduct), they cannot be removed.

38. It will follow, therefore, that it would be inexpedient to take away from the Governor one iota of his personal responsibility in order to delegate it to the Council. I can safely repeat what I have already stated, that I have omitted no opportunity of consulting my Council on every occasion, even of what might appear to be secondary importance, and I have derived much benefit and assistance from their advice. But I am at a loss to discover how, in a colony such as this, the Executive Council is to be made "a thoroughly responsible and working body, with strictly defined powers and duties," as suggested in the Report, without withdrawing its members to an injurious extent from the arduous departmental duties for which they are now responsible, or without creating a new element of power in the Government, which must either supersede, or else become an expensive addition to the Executive Government as it is at present constituted.

39. I repeat, that I regard the Royal Instructions as affording already a sufficient rule for the general exercise of the Governor's authority; and, whatever assistance he may further require to guide him through the toilsome and anxious task of presiding over the Executive Government, after having gladly availed himself, as he will at all times assuredly do, of the advice of his Executive Councillors, he will find that aid and advice admirably provided for him through the instructions of the Secretary of State.

Governor's Salary.

40. I am aware that several recommendations have been made by different witnesses, having for their object to effect a reduction in the Governor's salary, and, in some respects, in the expenses connected with his establishment. It has been proposed to reduce it, in fact, to 6,000 *l.*, to 5,000 *l.*, to 4,000 *l.*, and even to so low a point as 3,000 *l.* a year. But, setting aside all personal considerations, I can honestly declare that, so long as the Governor shall continue to maintain the position which he now occupies, and which I am convinced that he should never cease to occupy in an eastern dependency, the full salary at present attached to the office (which is already lower than it used to be) is by no means greater than is necessary, not only for the upholding of the dignity of the office, but for enabling him to meet the incessant demands upon his liberality and his personal hospitality which press upon him.

41. The very heavy outlay which he is compelled to encounter at the commencement of his career, for general outfit, for furniture, &c., and other necessities, scarcely a fraction of which can be recovered again, few can fully understand

understand who have not had experience of the fact. Add to this, the many sacrifices which he is compelled to make, involving heavy pecuniary loss, before he leaves England; not omitting, also, the heavy charge of nearly 500 *l.* for the payment of fees; and considering, likewise, the constitutional effects of a tropical climate upon an individual perhaps already past the prime of life, and the many new claims to which he is compelled to submit; I feel convinced that, on mature reflection, no one would be seriously disposed to maintain that the salary of 7,000 *l.* a year is in the smallest degree larger than it ought to be; although it may be perfectly true that, among a multitude of claimants, a candidate might be found who would be glad enough to play the part of Governor for a smaller emolument.

42. I am even compelled, with sorrow, to remember, that three, if not four, successive Governors of this colony have had their lives materially shortened (as there is too much reason to suppose) by the effects of the climate of Ceylon upon their constitutions, augmented by the toils and anxieties to which their position of necessity exposed them during their residence in it.

Private Secretary and one Aide-de-Camp.

43. I am glad to find that, in the Report, no proposal has been made for a reduction in this portion of the Governor's staff. I am thoroughly convinced that an efficient Private Secretary is absolutely necessary, to enable the Governor to get through satisfactorily the multifarious business which passes through his hands. I might bring forward endless arguments in support of that opinion, but it will suffice for me to remark, that repeated complaints were made by my two immediate predecessors of the inconvenience which resulted from the withdrawal of their Private Secretary, although an additional Aide-de-Camp was appointed in his place; from which little saving, or in fact none, resulted to the colony. Neither can it be forgotten that in 1845, at the earnest recommendation of Sir Colin Campbell and Mr. Anstruther, an additional assistant to the Colonial Secretary was sent out from home, with a salary of 1,000 *l.* a year; on the resignation of that gentleman, since my arrival, it has not been found necessary to nominate a successor in his place; so that, in reality, by the appointment of a Private Secretary, a direct saving of 500 *l.* a year has been made to the colony, besides the reduction of one out of two Aides-de-Camp which were previously allowed to the Governor.

44. It will be obvious that one Aide-de-Camp is still requisite, and could not possibly be dispensed with.

45. The only other circumstance relating to the Governor's establishment which calls for remark is the charge for lamp-oil at the residences at Colombo and Kandy. It is recommended in the Report that this shall cease henceforth to be a charge upon the public. But, bearing in mind that a portion of the expense under this head is incurred essentially for public purposes, for lighting colonnades all the night through for the use of sentries and of the police, for public illuminations, &c., on public days, and also for partially lighting the premises even during the Governor's absence, I think that a moderate sum should be granted as a maximum fixed allowance for this purpose, and I would put it down at 100 *l.* a year, although this would not near suffice to cover the entire cost.

46. Before proceeding to the consideration of the chief departments of Government, the Report takes up the question of annual augmentations at present made to the salaries of public servants, within certain limits, as laid down in the scheme of the Civil Service adopted in 1845. I quite concur in thinking that this system is erroneous in principle; that it introduces an element of fluctuation in the public expenditure which is inconvenient as a matter of account, and in many respects unsatisfactory to the parties concerned. The regulations affecting it are complicated and cumbersome, and I am entirely of opinion that public officers, who are actual members of the Civil Service, should be induced to look for promotion to a better and more lucrative post as the appropriate reward for their exertions or the exhibition of their talents, and not that a premium should be given to them to remain as they are, or to be content for a number of years to stand still for the sake of the little augmentations which successive years must bring them.

47. I am of opinion that we ought to endeavour to raise the tone of the

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service, by admitting only properly educated and even specially instructed young men into it in the first instance, by holding out to them adequate encouragement to exertion, by extending to them reasonable prospects of promotion according to their qualifications, and by assigning such sufficient salaries to the respective offices, according to well-considered gradations, as will enable the public servants to maintain their position with respectability in the eyes of the natives, with honour to themselves and to their families, and with that confidence in the prospect of satisfactory ultimate retirement which the certainty of future pension must necessarily afford.

Colonial Secretary, Treasurer, and Auditor-General.

48. As these are the three most important departments in the public service, the heads of them being likewise executive advisers of the Governor, and as they may be said to constitute, as it were, a part of the government of the colony, I purpose to frame my remarks upon them jointly. I concur generally in the recommendations of the Report with regard to each of these three departments. The salary and allowances of the present Colonial Secretary must be considered, as to a great extent, of a special nature. On his retirement it is understood that the emoluments of his successor will be reduced to 2,000 *l.* a-year, a salary, in my opinion, far from being too large for an office involving so much labour and responsibility, and demanding talents and experience of no ordinary kind. If the state of the public finances permitted it, I should scarcely be reluctant to see even a slight addition made to that amount, for it is the highest reward to which, after years of toil and anxiety, a public servant can attain; and the very position itself entails demands and imposes expenses upon the holder, from which less elevated public servants are more free.

49. I conceive it would not be possible to carry on the business of the Colonial Secretary's department satisfactorily, and extend an efficient superintendence and control over the departments generally throughout the island, with a smaller amount of superior aid than is afforded by one principal assistant and one second assistant, who should receive salaries proportioned to the laborious nature of their duties.

Treasury.

50. The office of Treasurer is one which, in my opinion, it would be impossible to dispense with, although there have not been wanting recommendations to that effect; nor do I think that the duties of the department could be at all curtailed under the new system of accounts. It will be remembered that the Treasurer is required to furnish securities to the large amount of 12,000 *l.*, and that in addition to his duties in the Treasury department, which are already sufficiently responsible, he is also Commissioner of Stamps for the whole island, in which capacity he has to account for a large amount of public revenue. He is likewise Paymaster-General of Queen's Troops, an office the duties of which are elsewhere performed by the Chief Commissariat Officer, appointed and paid by the Lords of the Treasury.

51. With regard to intrusting the Cash department of the Treasury to one of the local banks, which was at one time a favourite proposition of the mercantile body, it appears to me that the view taken of it in the Report is substantially correct. Among the appendices to this despatch, will be found copy of a letter from the Directors of the Oriental Bank, dated at their head office at Bombay, upon this subject; a perusal of which, taken also in connexion with the evidence of Mr. Duff, the local manager of the branch in Colombo, will I think satisfy every impartial person that no adequate benefit to the Government, but, on the contrary, some probable inconvenience would result from such an arrangement.

52. I agree with the Report, that in proportion to the importance and responsibilities of its duties, the Treasurer's department is one of the least expensive in the island. The issue of Government paper currency is of itself responsible function of the Treasurer, and one that in the mind of a native constitutes an important attribute of Government. Certain at all events it is, that in the eyes of a native trader no private institution presents so strong a guarantee as that of Government, and therefore the credit of its issues can
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never be so perfectly sustained as the credit of the General Treasury. Upon this branch of the subject, and indeed upon the whole system of keeping the public moneys, much might be said, which would scarcely find a place in my present despatch.

Audit Office.

53. The remarks contained in the Report respecting the Audit Office are so fully and ably set forth, that I can have nothing material to add to them beyond the general expression of my concurrence. In many respects it seems to me that the functions of the head of the department have been not a little misunderstood, or else it would scarcely have been proposed to transfer them to the Colonial Secretary's Office, or even to get rid of them altogether, as far as the colony is concerned, by sending home all the public accounts in their crude state to England, and imposing the whole correspondence connected with them upon the Audit Office in London. The arguments against both these propositions made use of in the Report, appear to me to be unanswerable. Indeed, I confess that in the course of the present inquiry, according as its different stages or progressive results have been from time to time communicated to me, I have been sometimes struck with the very imperfect acquaintance possessed by the public generally, and even by men of business habits, respecting the amount of duties and responsibilities which are entailed upon officers of public departments.

54. The complexities of public accounts, and the multifarious minutiae even of official routine, are little known to the public at large, who are apt to underestimate the amount of labour, as well as to undervalue the anxiety of business with which a public officer is charged. It is indeed well remarked in the Report, that there "is here no municipal administration and local accountability to lighten the labour of the central Government."

55. It is perfectly true that you cannot unite in the person of a single individual the controlling as well as the executive function of Government. In point of fact, the Auditor is a check not only upon the Colonial Secretary, but likewise upon the Governor himself; and it is a special part of his duty, if occasion should arise, to point out to the Governor in what way irregular or excessive expenditure is likely to be incurred, and to warn him against it in time.

56. But the duties of the Auditor, as such, comprise only one portion of his functions. He is likewise Comptroller of Revenue, and in that capacity his duties are of a very important nature; so much so, that I entirely concur in the recommendation that the designation should be changed, and that hereafter the officer should be called Commissioner of Revenue and Auditor-general; and as his duties would be of a higher nature than those of the Treasurer, that he should be placed in point of rank above the Treasurer in both Councils. I am strongly inclined to think that if the duties of Commissioner of Revenue were clearly laid down, and assiduously carried out, the public revenue would be improved, while the collection of it would really be less burthensome to the people. The Commissioner of Revenue and Auditor-general would at all times be, as he in fact is already, a valuable and influential member of the Executive Council, and would of necessity go through a very useful course of training in his own department as a revenue as well as controlling officer, for the possible succession to the superior office of Colonial Secretary.

Surveyor-General, Civil Engineer, and Commissioner of Roads.

57. I take the next three departments in connexion with each other, because there are certain degrees of affinity between them, and because until within the last few years there was only one department where there are now three distinct ones. The present civil engineer, Mr. Norris, was in fact originally charged with the whole of the duties, so far as at that time they were required to be performed.

58. In Mr. Norris's evidence, which is included among the appended papers, will be found a tolerably complete account of the history of the combined offices when under his charge, and also of the origin of their separation. The question has been closely investigated whether all three of them, or at all events at least two, might not be advantageously joined together again; and I am happy to find that a distinct recommendation is made in the Report for

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the junction of the departments of Civil Engineer and Commissioner of Roads, which appear so naturally to belong to each other. In fact, it seems to me that nothing but an over-sanguine and very exaggerated view of the financial prospects of the colony, of its hoped-for marvellous future development as a coffee and sugar-planting island, of never-failing European enterprise, and of the pressing demand for roads and public works in all directions, which would be the consequence of its success, could have induced the creation of two distinct departments, complete in all their details for the execution of public works. The inconvenience of having one department to build a bridge, and one set of clerks and even of elephants to assist in all the details of the operation, while another department with another complete set of machinery, including pioneers, elephants, &c., besides an office establishment, was to be charged with making the approaches to it, probably without any combined working plan or concerted co-operation, would appear to be obvious and indisputable. Mr. Anstruther, by whom this separation of departments was recommended in the first instance, now admits distinctly in his evidence, that it was one of the worst recommendations he ever made.

59. The proposed fusion of these two departments appears to be not only perfectly legitimate and practicable, but seems to have met favour at the hands of all the witnesses. In fact, I regard it as in every respect one of the most important and most economical arrangements to which I look forward as the result of the present inquiry. We shall then have one office establishment complete in all its details—clerks, draftsmen, and framers of estimates, one set of foremen of works and overseers, and a very efficient body of pioneers, many of whom are excellent mechanics, to assist in executing all public works of every description; even under the head of Elephant Establishment, which is a somewhat expensive one, although already very much reduced, there will be a saving by the fusion.

60. There have not been wanting recommendations having for their object either the junction of the Surveyor-general's with the other two departments, or at all events with one of them; and again it was suggested that if such a measure should not be found practicable altogether, the tracing of new roads should at the least be left to the Surveyor-general, who would by this means have an opportunity of not only carrying the line of road in the direction most advantageous for general traffic hereafter, but also of tracing it in such a manner as would be most suitable to the project of opening up the country with a view to the sale of public lands, so that ready access might be given to portions of country best adapted for cultivation.

61. There may, no doubt, be some truth in the observation, that the object of opening a road may not be at all times the mere advantage of connecting the two extremities, but the more important one of opening up a great line of communication for the surrounding country in all directions. But, in my judgment, all new lines of road should be traced, and even commenced not exclusively by the one or the other department, but by common concert between them. In tracing a road by the Surveyor-general's department, engineering difficulties or facilities, as the case may be, have to be taken into account, which could not be adequately understood or appreciated by other than a practical engineer. Indeed, there are obvious reasons why the tracing of new lines of road should be undertaken in concert with the Surveyor-general's department, but not exclusively by its agency.

62. I do not perceive any reason to dissent from what is recommended in the Report with reference to the Surveyor-general's department. I do not think it could safely be reduced to a lower scale than is there recommended. The present establishment is, for ordinary purposes, undoubtedly too large; and the gradual but progressive falling off in the receipts from sales of land—to such a degree that during the past year the amount realized has not equalled the expenses of the Survey department—would seem, at first view, to point out that the reduced establishment, as recommended in the Report, must still be larger than would be likely to be required.

63. But the functions of the Surveyor-general are by no means limited to the preparation of allotments for sale, nor even to delineation of plans or figures of allotments already sold. In a country such as this the operations of the surveyor, both in the field and at home, are multifarious and difficult;
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and the endless disputes about land, the difficulty of ascertaining the Crown rights and verifying its possessions, is perplexing and difficult, and if the proposal for the formation of a Board of Survey and Settlement as set forth in my despatch, No. 57, of 16th March 1848, should be ultimately carried out (as I have every hope that it will be), the duties of the Surveyor's-General's department will become so much more complicated and enlarged that an establishment on a much more extended scale will be undoubtedly requisite.

64. On the abolition of the Town Surveyor's department of Colombo, as a district establishment, which was done by the advice of the Executive Council against my own individual judgment, a portion of its duties was transferred to the Commissioner of Roads department, and another portion to that of the Surveyor-General. For this purpose an addition was made to the former by the transfer to it of certain officers from the abolished department, whose salaries amount to 245*l.* per annum, and to the latter of one clerk for the examination of Dutch records connected with titles to land. It follows, therefore, that although the apparent saving occasioned by the abolition of the Town Surveyor's department was considerable, the real diminution of expenditure was less than it was supposed to be. In many respects I am inclined to think that, apart from the question of economy, injurious results have followed the extinction of that office. Encroachments upon the public highway, as well as upon the Crown's property, are again taking place within the so-called gravets or suburbs of Colombo; improvements within the town itself have ceased; the sewers and the streets are more neglected; and I still think that it would conduce to the public advantage in many respects if the appointment of Town Surveyor were re-established on a less expensive scale than formerly, although I perceive that no allusion is made to it in the Report.

65. Returning again to the Commissioner of Roads department, I would beg permission to call your Lordship's particular attention to the remarks in the Report upon the subject of the complexities of account, and the impossibility of deriving any complete or satisfactory information respecting the real expenditure, or rather of the manner of its appropriation, from the actual accounts of the department.

66. I entirely concur in all that is said respecting the Pioneer department. In the evidence of Captain Cole and Lieutenant Evatt, full explanations are given respecting the Pioneer Corps, about which there has always been a species of mystery, which the public were unable altogether to penetrate. The Report touches at considerable length upon this subject, but by no means more so than its importance demands. The somewhat quaint expression, "elasticity of departmental estimates" would seem to cover a multitude of difficulties; and when I find the Schedule of the Pioneer establishment designated a "pure fiction," I conclude that a more simple and intelligible form of rendering the accounts of the Roads department is urgently required.

67. But the Report details so fully the present irregular system upon which a portion of the Pioneer Corps are paid, and describes the complications of amended estimates, and the means that are resorted to in order to make the charges "fit in with the estimates," that it would be useless for me to attempt any clearer exposition of the facts than is there furnished. "The system is so bad," it is remarked, "that no ingenuity can bring it into light and order without a complete and radical change." "It would seem to have been devised," it is added, "apparently to find out how much needless confusion and labour can be created under a supposed system of 'adequate check.'" I am not, however, quite prepared to support the recommendation of disbanding altogether the four unfixed sub-divisions of Pioneers, whose "very existence," it is said, is not at present officially recognised," and for whom "no provision is made upon the annual estimates." Neither should I be willing to suggest that they should be placed precisely upon the same footing as the four fixed divisions. I am disposed to think that their services might be found of so much value to the Provincial and District Road Committee under the Road Ordinance, that it would be probably well worth while to retain them as an organized body of about 400 men, whose expense should be defrayed by the Committees, to whom their services might be let out.

68. In many parts of the country, where a great portion of the male population, liable to work, will prefer to pay the commutation, it will be necessary for the Committees to employ hired labour, in substitution for the voluntary

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labour. In these instances the services of these pioneers would be invaluable; for not only would their labour be continuous, and therefore be turned to better account, but it is indisputable that the habit of doing a particular kind of work induces a certain amount of skill and expertness in doing it which is to be looked for in vain among untrained and possibly unwilling labourers. Among the pioneers, also, a good many mechanics are included who might not readily be found when wanted upon any sudden or casual emergency.

69. Even if the contract system were to be tried as an experiment for keeping roads in repair—which has been strongly recommended by many witnesses—I could have little doubt that contractors would only be too happy to take advantage of the services of a body of organized, and, to a certain extent, skilled labourers, who would be especially valuable for instructing and setting an example to casual labourers.

Contract system.

70. With regard to the contract system in general, I by no means think that it has yet had sufficient trial to enable us to say that its failure or imperfect success hitherto has demonstrated its future impracticability. The evidence of some of the merchants goes to show that they have succeeded in getting many private works executed well and expeditiously by contract; and although it might be quite true in the first instance, that sufficient capital and enterprise might scarcely be found within the island for undertaking very large and expensive works, I can scarcely doubt that, as the system became more fully developed, and contractors acquiring greater experience, learnt better how to apply to the best advantage the means at their disposal, its success would be more complete, and its results more profitable to the public.

71. I do not forget that two very important pile-bridges have lately been well and substantially constructed, altogether by native enterprise, without any other assistance from Government than an examination and approval of the plans and specifications, and of the work itself when executed. These are the new bridges at Caltura and at Pantura, on the road between Galle and Colombo, which from their length and substantial construction have attracted the favourable notice of all visitors. It is obvious that if we desire to encourage native enterprise, to open up the springs of native industry, we must originate for them the opportunities for its development; and therefore, although I am not altogether sanguine as to the degree of success which may attend our first attempts to introduce the system of contract upon an extended scale, I feel confident that it is worth the trial, and I even feel that it is a species of duty we owe to the community to give them the opportunity of self-development.

72. After very mature consideration, I am fully of opinion that our whole system of public works and roads has been hitherto conducted upon a scale disproportioned in point of results to the magnitude of the expenses incurred; and I fully agree with the Report that the principal point we have to look to in our future arrangements, if we desire to reduce the departments of Public Works to the lowest point consistent with our immediate necessities, leaving it at the same time susceptible of future expansion in proportion to our future wants, is to retain only such a nucleus of administrative machinery for one consolidated department as shall leave it at all times in the power of the Government, without much derangement of its ordinary routine, to adapt the means already at its disposal for the more perfect attainment of the immediate object in view.

Botanical Gardens at Peradenia.

Botanical gardens
at Peradenia.

73. It is beyond a question that the general feeling of the colony upon the subject of these gardens is, that although they may be very convenient, and possessed of vast interest in a scientific point of view, still that the expense of supporting them, including the salary of the superintendent, is far beyond what the colonial finances could be expected to bear. In point of fact, it would seem, in the first place, that within the colony itself there are not now, nor are ever likely to be, resident scientific gentlemen enough to warrant the keeping up of such an establishment for purposes of local science: secondly, that the economical results of the establishment at Peradenia, so far as any practical benefit to island agriculture can be expected from it, are not likely to be sufficiently valuable to warrant the expense incurred being entirely charged to the colony. Indeed, apart from other considerations, it is well known that the soil at Peradenia is of a very indifferent quality, although, perhaps, as good as any
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in the neighbourhood, and that the experimental cultivation of the sugar-cane by Dr. Gardner proved an utter failure after the first crop.

74. Little, therefore, of substantial benefit remains to be derived by the colony from the maintenance of the establishment. Although it might be very interesting to science that the Flora of Ceylon should be described and delineated according to the admirable plan commenced by Dr. Gardner (but which, I fear, will probably never arrive at its completion), such a work could scarcely be considered as sufficient in itself to warrant the support of the Peradenia establishment, solely for such a purpose, at the expense of the colony, unless the finances were in such a flourishing condition that it could afford to spend a portion of its surplus means upon somewhat expensive luxuries.

75. In my despatch, No. 48, of the 9th April 1849, I entered somewhat fully into the whole question, and suggested, in accordance with a very generally expressed wish upon the subject, that the Peradenia Gardens should be placed upon the footing of an offshoot of Kew; and while a certain moderate sum might be annually contributed out of colonial funds for its support, the principal part of the expense should be defrayed out of the sums allotted to the support of the parent establishment. This proposition, however, having entirely failed to meet your Lordship's concurrence, I feel completely at a loss what course to recommend. A new superintendent having so recently been appointed to take charge of the establishment, it will be necessary, if he is to have any duties whatever to perform, that he should be furnished with an efficient establishment. Such being the case, I do not see how any considerable reduction in the expenses of the gardens can be effected; and yet I am quite impressed with the conviction that 1,200 *l.* or 1,300 *l.* a year is far too much for the colony to be required to pay for the abstract satisfaction of possessing a garden at Peradenia, from which it derives no substantial benefit, and which, from its remoteness from Colombo, does not even possess the advantage of offering a place of resort for recreation to the inhabitants of the capital.

76. I should fear very much that the Legislative Council will not be induced without very great reluctance to coincide in the propriety of devoting so large a sum to the maintenance of a pure luxury, when it will scarcely be possible to provide adequately for works of positive necessity.

Loan Board and Savings Bank.

77. These two important and responsible establishments have been so fully and lucidly treated of in the Report, that I have little to add upon the subject. It seems clearly made out that the Government has for a long time charged itself with an amount of responsibility which might in the long run prove to be both inconvenient and dangerous.

Loan Board and
Savings Bank.

78. For the reasons set forth in the Report, I am clearly of opinion that it would be altogether inexpedient to amalgamate two institutions which are dissimilar in their origin and constitution, as regards the purposes of their formation, although the means employed (namely, the lending out money on good security) for the attainment of the objects in view may be precisely the same. Greater economy may, however, be introduced into the management, and the regulations may be so framed as regards the Loan Board as to ensure greater security to the Government, and may ultimately, perhaps, prove more advantageous to the parties interested. I conceive that an early opportunity should be taken to effect improvements in the position and management of both these institutions, and I cannot doubt that good results must follow.

79. With regard to the old Dutch Funds, called the Weeskammer and the Boedelkammer, or the Intestate and Orphan Estates, upon which there are no longer any known or any anticipated claimants, I am scarcely disposed to concur with the recommendation that they should be altogether extinguished, and placed at the absolute disposal of the Government, as part of the general revenue. Already the entire amount of interest of these funds, which amounts to about 216 *l.* 10 *s.* 8 *d.* a year, is paid into the general revenue; but I am not quite satisfied of the propriety of absorbing the principal in the same manner. Nevertheless, there would be no valid objection in point of law, I believe, to such a course, provided the Government continued to hold itself charged with all possible future responsibility connected with these funds, should any such arise. But a proposal has been made which has found favour in some quarters,

Ceylon. — namely, that these funds, when realized, should be expended on the building of some hospital or asylum of a charitable nature, which should afterwards be maintained chiefly by voluntary contributions. Certainly the most tempting course for immediate purposes would be to take the money, amounting to 3,807*l.* 9*s.*, and apply it to the general purposes of the colony. But upon this subject it will be necessary to be guided altogether by your Lordship's instructions.

80. I would only further add upon the subject of the Load Board, on the present occasion, that the judges of the Supreme Court are exceedingly desirous, as I understand, to have the regulations framed anew, and to be relieved from all direct concern in the administration of the moneys which are in the first instance at the disposal of the Courts.

Customs Department.

81. Following the order adopted in the Report, the Customs department comes next under consideration. The revenue derived from this source is so important (amounting to more than a fourth part of the total income of the island), and is collected at so moderate a cost, and with so much comparative facility, that I should much regret to see any considerable reduction made in an establishment which is practically so useful and efficient.

The principal officers of Customs have already, as I understand, just completed a Report upon the subject, which, without doubt, will contain valuable suggestions.

82. The cost or rate per cent. at which the Customs Revenue was collected for the whole island during the year 1848 was only 8 $\frac{1}{2}$, and if we bear in mind that, at some of the minor outports, the receipts are very inconsiderable, and therefore the expenditure at those particular stations, although very moderate in itself, nevertheless bears a large proportion to the revenue collected there, we shall find that the general average above given is extremely moderate. For the whole Western Province, the rate is only 5 $\frac{1}{2}$, and for Colombo only 4 $\frac{3}{4}$ per cent., while for the port of Galle it is 15 $\frac{1}{10}$ per cent. The total expenditure on account of the Customs department very little exceeds 10,000 *l.* per annum, and there are not less than 16 ports of entry (including the minor outports) throughout the island. I subjoin a tabular view of the Customs receipts and expenditure at each of the ports during the years 1845, 1846, and 1847, and also another table of the receipts and expenditure for 1848.

83. A reduction has recently taken place in the salary of the Controller of Customs from 750 *l.* to 650 *l.* per annum, but considering the arduous and responsible nature of his duties, not only as Controller but also as Landing Surveyor, and the considerable amount of revenue collected at this port, (upwards of 85,000 *l.* a year,) I regard the original salary of 750 *l.* as by no means too great for an office of such importance in a tropical and expensive country. I should gladly see it restored to that amount. Neither do I regard the present salary of the Collector (1,000 *l.* a-year) as by any means too large for the office, although I understand it is to be reduced to 800 *l.* per annum whenever a successor to the actual holder may be appointed.

84. I am aware that suggestions have been made, having for their object the entire submission of the Customs department to the control of the local Government and the re-admission of its principal officers into the civil service of the island; or else, as is still the case in the Northern Province, the fusion of the office of Collector with that of Government Agent of the province. But I rather lean to the opinion expressed in the Report, that some advantage must be derived from having at the head of a depôt, the duties of which are of so special and important a nature, gentlemen thoroughly well versed in all the details of routine, and trained to the practice and discipline of the Customs department in England; I am also disposed to think that it would be found unadvisable to deprive the department of the advantage which the general supervision and practical experience of the Board of Commissioners in England must, at all times, be able to afford it:

Master Attendant's Department.

85. I quite agree with all that is stated in the Report respecting the Master Attendant's department, which, especially at Colombo, is far more expensive than

than can possibly be necessary for the purposes of Government or for the convenience of the mercantile community. The supervision of the pearl banks, which, at present, forms part of the duties of the master attendant of Colombo, is of a special nature, and requires the experience of persons long used to this particular kind of inquiry, so that, at first view, it might be thought expedient, if not absolutely necessary, to have some officer attached to the service of Government for this particular object.

86. In the evidence of Mr. Stewart, the present master attendant, will be found a tolerably complete account of the means which have, from time to time, been employed for the inspection of the banks. But I can discover no sufficient grounds to induce me to think, that it is at all necessary to retain the services of so highly paid an officer for this special duty, which, at best, only requires attention at somewhat distant intervals. I incline the more readily to support the proposal to place the management of the pearl banks altogether under the control and supervision of the Government agent of the Northern Province, because, under the new distribution of provinces as proposed in the Report, should it be adopted, the agent will be relieved from a portion of his present duties by the disjunction of the Nuwerahalawiya district from the Northern Province, and there will therefore be ample grounds for charging him with the entire responsibility of the pearl banks, which are conveniently situated for his supervision.

87. It is proposed in the Report to abolish altogether the office of master attendant at Trincomalie. Indeed the office would appear to be almost entirely a sinecure. I find that during the year ending 5th January 1849, only 18 square-rigged merchant vessels were piloted in or out. Indeed, the total number entered inwards was only 13, and outwards 15. The pilot seldom or ever repairs on board the vessels entering from ports in the island.

88. The total cost of the Master Attendant's department of that port was 546*l.* 14*s.*, besides 12*l.* for contingencies. In fact, it would seem that the master attendant of Trincomalie has personally little else to do than to attend upon Her Majesty's ships when they come into port, a duty which I conceive ought not to be charged upon the colony, and which might, without any difficulty, I should imagine, be performed by the Naval Storekeeper's department. The mere pilot duty at Trincomalie must be very trifling, and the fees recoverable under the Ordinance for pilotage would go a great way towards defraying the whole expense of a pilot and his boat's crew. At present these fees are equally divided between the master attendant and the pilot. The amount of them in 1848 was 71*l.* 14*s.*

89. At the port of Galle the fees recovered for pilotage amounted to upwards of 700 *l.* during the same period, owing principally to the great resort of steamers and coal-ships, the whole of which sum was divided among the three or four pilots of the port, in addition to the pay they receive from Government and the maintenance of their boats' crews. It will be obvious that here there is ample room for judicious economy.

90. Before I leave the subject of the Master Attendant's department, I cannot help observing that a moderate fee might very fairly be charged by way of light-duty upon every ship or native vessel entering the ports of Galle and Colombo, in addition to the present port duties. The lighthouse at Galle has recently been erected at the sole expense of the Colonial Government, at a cost of upwards of 3,000*l.*, besides the annual expense of its maintenance; but no light dues whatever are charged. It is true that the sum paid for port charges is supposed to cover the light dues as well; but native coasting craft, which derive especial advantage from the lighthouses, do not pay port charges; I think therefore that it could not by any means be deemed a hardship, if they were required to pay a fixed sum per vessel, proportioned to its size, for the very important privilege of being lighted into port.

"Seaforth" Colonial Steamer.

91. Upon the subject of the colonial steamer I have few observations to make. The recommendation that an effort should be made to sell the vessel is simply useless, because no purchaser for it could be found. She is deficient in point of structure compared with more recently-built steamers, and her machinery is wanting in the more modern improvements. Some time ago she was offered

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for sale in vain to the East India Company. Inquiry was also lately made about her capabilities by the Mauritius Government. Her original cost was something above 10,000*l*. Although her accommodation is insufficient, and her draught of water somewhat too great for strictly local convenience, she is nevertheless very useful for conveying reliefs of detachments and of invalid soldiers, of prisoners, and of treasure, &c., from one part of the coast to another. The Supreme Court also, with their officers, occasionally take passage in her, which produces a saving of time, and consequently of travelling expenses, chargeable to Government. For the periodical inspection of the pearl banks she is likewise serviceable, so that in the absence of any prospect either of selling her, or of having the means of purchasing a more efficient steamer, we must content ourselves with reducing the cost of maintaining her to the lowest point.

Post Office Department.

92. When it is considered that the whole of the official correspondence of Government within the island is carried free of charge, I think it will be admitted that if the revenue and expenditure of the Post Office department are found to balance each other, it is as much as we ought fairly to expect, or is usually accomplished even in more civilized communities. The total expenditure of the year 1848 was 7,790*l*., and the receipts 8,000*l*.

93. I do not find that anything is suggested in the Report upon the subject of a low uniform rate of postage for the whole island. It has been tried, and not without some success, in more than one of our colonies, but I take this opportunity of recording my opinion, that in this colony it would meet with no chance of success. The rate of postage in the interior is already sufficiently low (a quarter of an ounce is carried to Kandy, 72 miles, for 3*d*., and half an ounce for 6*d*.), and the native inhabitants have little occasion for distant correspondence. Moormen and native traders, who correspond with parties on the opposite coast, commonly write a joint letter for all the parties interested; and so much is this the case, that it is not uncommon for three or four individuals to go together to the Post Office, in order that they may all jointly witness the posting of the one letter. So much are they attached to habits long acquired, that no extent of reduction in the cost of postage would induce them to write separate letters. In the general observations in the Report concerning this department I quite concur.

Government Agent's Department.

94. I have already taken occasion incidentally to remark, that the Government agents constitute to a very great extent the very pivots of the machinery of Government in their respective provinces. As revenue officers their duties are very responsible, and as the paymasters of Government, in the first instance under many heads of expenditure, they are required to exercise constant watchful supervision over the details of administration. The Government agent is considered to be, and ought in reality to be, the organ of communication between the Government and the native population throughout the provinces, and the duties imposed upon the agents and their assistants by the minute which I issued in 1847 upon the subject of periodical circuits and reports to Government, have tended to place them in more immediate personal communication with the natives even in the remoter and therefore less frequented parts of the interior throughout the island.

95. In reality I regard the individual efficiency of the Government agents, the precision of their habits of business, their personal influence among the natives, whose character and habits and feelings ought to be the constant objects of their study and interest, as absolutely essential to the good government of the island.

There is a growing disposition rather to augment than to diminish the responsibility of the agents, to impose upon them even greater duties than they are already charged with, and thus to centralize, as it were, in the agent's office the entire administrative supervision, and, so to speak, departmental control over the province which is intrusted to the official head of the province.

96. To a great extent this is already the case, but I think the general tendency

dency of the Report is to extend the principle still further, and I incline to think that, more especially among an Eastern population, it must conduce much more to the ends of good government, might be better calculated to promote economy, and might prove more suited to the wants and the habits of the native inhabitants, than any other which in the present state of native civilization could be devised.

97. Taking this view of the appropriate responsibilities of the agents, it will be obvious that their position ought to be upheld to the utmost in the eyes of the natives; their personal influence and authority should be encouraged and extended, and, as a necessary concomitant, their salaries should be liberal and adequately proportioned to what is expected, and what is demanded, at their hands. Moreover, they must necessarily be liable to incur considerable expense in travelling about their provinces, beyond what can be expected to be covered by the moderate daily allowance of 30s. per diem, granted to them for travelling purposes while so engaged.

98. I shall presently have to consider the question, which is one of considerable importance in every point of view, as to how far it may be expedient to unite the judicial and the revenue functions in some districts, or in some assistant agencies, in the hands of one and the same individual.

99. A leading proposition respecting the provinces submitted in the Report, is the abolition of one of the existing agencies, and the reduction of the number of provinces by that means from six to five, to effect which, some modification will be necessary in the construction of at least of the six provinces at present existing. The only one remaining unchanged would then be the Southern or the Agency of Galle.

100. As the duties of the agents are *prima facie* essentially of a revenueal description (they used formerly to be called collectors), I have prepared, with a view to place in a clearer light the mode in which the public revenue is collected, a return, showing the amount of revenue collected by each of the six agents, and by each of the eleven assistant agents, during the year 1848, under the principle heads of receipts; and in order that it may form a complete return of the whole revenue of the year, I have added the amount received by the Treasurer of the colony (including the receipts from Customs), who, as might be expected, has the larger proportion to account for, being not less than about 149,000*l.* out of a total revenue of 414,000*l.* collected during the year.

101. In another table I have put together a comparative statement of the cost of the civil, revenue, and judicial establishments in each of the provinces and districts, under the respective heads of expenditure; but I have excluded the contingent services, the expenses of public works, the pensions, and the military charges. In order to make the table more complete, I have added to the total amount of revenue collected in each district (in the gross), and have calculated the per-centage which the cost of establishments bears to the revenue of each district. I would beg to invite your Lordship's particular attention to these tables, from which much interesting information may be gathered.

102. It will be observed, for instance, that the cost of establishments was only about 194,000*l.*, and that the excess of revenue collected, beyond the cost of establishments, was 221,761*l.* 9*s.* 7½*d.*, and that in only four minor stations the whole expense of establishments exceeded the local revenue, the total excess being only 1,189*l.* 11*s.* 11½*d.*

103. Taking the average of the whole island, it will be found that the proportion which the cost of establishments in the civil, revenue, and judicial branches bears to the whole public income of the colony is not more than 46½ per cent. Although, therefore, it may be quite practicable to effect some reductions in the public establishments without impairing their efficiency, I should hesitate to express too sanguine an opinion as to the extent to which it could be judiciously carried, when I find that it does not constitute one-half of the public expenditure of the island, and that a saving in one direction may possibly be counterbalanced by irresistible demand for expenditure in another.

104. Up to the year 1845 the island was divided into five provinces only, but a redistribution of them then took place, and a new agency was created at Putlam, which had previously belonged to the Western Province; by the

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addition to it of the important district of Kornegalle, or the Seven Korles, the North-western Province was constituted. I am not quite confident that any considerable amount of saving will be effected by breaking it up again, and by attaching the Seven Korles to the Kandy agency, as proposed in the Report, and by reuniting Putlam and Chilaw with the agency of Colombo.

105. But there are advantages, independently of the mere question of economy, which induce me to assent altogether to the views set forth in the Report. Indeed it is gratifying to me to be able at once to give expression to my general concurrence in the recommendations of the Report as regards the future distribution of the provinces.

106. There are two points in particular which strike me as deserving of marked attention in considering the subject, namely, the expediency of making the revenue and the judicial divisions of the island identical, as far as possible, and the propriety, in some instances, of uniting in the hands of one individual (more particularly as regards the assistant agents) of the civil and judicial administration of the districts. Respecting the first point, nothing can be more inconvenient or anomalous than the present judicial distribution of some portion of the revenue districts. That of the Four Korles, for instance (of which there is an assistant agent resident at Kaigalle), containing a population of about 70,000 souls, is situated within the Western Province, but no portion of it whatever is within the jurisdiction of any district court of that province. Part of it belongs to the judicial jurisdiction of the Court of Kandy in the Central Province, and part of it to that of Kornegalle in the North-western Province. The result is that the multiplication of correspondence is much greater than could be supposed; as, for instance, in the Fiscal's department, in which processes relating to the Western Province have to be served by the fiscal (who is, in fact, the agent) of the Central Province when occasion arises, or of the North-western Province, if it so happens, through whose hands the returns have again to pass on their way back to the fiscal of Colombo.

107. With regard to the second point, or the union of judicial and civil duties under one head at some of the out-stations, this practice already obtains in at least two instances, without objection, and without inconvenience. As a matter of economy, certainly I think it would be expedient to extend it further, and to apply the principle to eight or nine other stations, which would thus be provided with equal, and, in some instances, greater judicial facilities than they at present enjoy, with very trifling additional expense to Government.

108. It is beyond a doubt, that in the minds of the native inhabitants of an Eastern country the judicial functions are regarded as the highest attributes of Government. They, with difficulty, comprehend the division of power and authority which are characteristic of our own institutions, and long as we have already held our sway over the maritime provinces of Ceylon, the mass of the people, in the absence of any direct interference of superior authority for the settlement of their disputes, place themselves in the hands of proctors, and appeal to courts of law. In fact, it may well be said that the state of the law itself in Ceylon favours litigation. It is universally admitted in the island, that if the people are deprived of the opportunity of litigating about their rights, particularly their rights to property, they will fight; and, I fear, there is too much reason to think that violence and bloodshed have been the consequence of the abolition of some of the district courts.

109. But upon the question of uniting the civil and judicial functions in the hands of assistant agents in many districts, I think we must further take into consideration the fact that they have a mutual tendency to assist each other. An assistant agent in the course of his circuits, and as a result of his personal knowledge of individual natives of influence, as well as of localities, acquires a mass of valuable information to which a district judge, always resident in one spot, can scarcely have access. On the other hand, the knowledge which a district judge acquires at an out-station in the ordinary routine of his duties, may be of great value to an assistant agent in the course of his circuits, and especially as connected with his intercourse with the headmen of his district.

110. In his capacity as a revenue officer, it will be obvious that he may derive valuable information from being well acquainted with the disputes about landed property and proprietary rights, which are the perpetual source of litigation among the natives. New inducements must daily present themselves

selves to him for making very accurate local inquiries of various kinds during his many journeys throughout his district, and the amount of knowledge thus acquired must be very valuable to him under many points of view.

112. It is proposed in the Report that for the future, in all cases where the civil or revenue and judicial functions are united in one person, the whole of his salary shall be charged under the revenue department. It will be obvious, therefore, that there will be a greater apparent reduction in the judicial expenditure, and almost equally apparent increase in that of the revenue department; for according to the existing system, when the two officers are combined, the salary is divided between the two departments. But I quite agree that the proposed system is in every way more simple and satisfactory.

112. Upon the whole, I am quite disposed to concur in the recommendations of the Report respecting the future distribution of provinces, and the general assignment of duties to the agents and their assistants; but I have some doubts about the proposed gradation of salaries. For instance, the present salary of the Government agent of the Central Province is at 1,500*l.* a year, which in my opinion is by no means too large for the chief civil officer of a province of such vast importance, in which the cost of living is much greater than at Colombo, and where a great deal is expected from the agent.

113. The present population of the province is about 185,000, including Europeans; but in the Report it is proposed to add on to it the whole district of the Seven Korles or Kornegalle, with a population of about 139,000 souls, scattered over a wide surface. But concomitantly with this large increase of responsibilities, it is likewise proposed to reduce the salary of the agent to 1,350*l.* a year, although if we only take into account the additional expense for travelling purposes in his new district, which the agent must incur, we should be disposed to increase rather than to diminish his fair emoluments.

114. As the question of salaries will come in due course under the consideration of the local Councils, before any final conclusions will be submitted to your Lordship, I deem it unnecessary in my present despatch to enter into further minute details upon this subject. The instance which I have now given will suffice to point out how much must be taken into consideration in matters of local detail.

115. Appended to the Report itself, I find (Appendix B. to the Report) that a statement is given exhibiting the area and population of the different provinces in the island, according to their present distribution, and according to that which is proposed. But I prepared originally for my own information, during the progress of this inquiry, a tabular view of the present distribution of agencies and district courts, showing the respective districts included under the revenue and also judicial departments, with their area and population, so far as they have been ascertained with any degree of accuracy. An inspection of this table may be interesting to your Lordship, and I therefore transmit a copy of it, although it does not supply the information I could have wished, respecting the statistical results of the distribution of provinces and judicial districts as they are proposed in the Report.

116. With a view to afford as much information as I am in possession of upon this subject, I have had another copy of the map (marked No. 3) prepared, which accompanied the Report sent by last mail, upon which I have inserted such statistical facts as I have been able to procure, calculated to illustrate the general effect of the distribution of provinces and districts, as regards their area, population, and revenue. I could have wished that it had been in my power to make the details more complete, but I have every hope that at no distant time our statistical knowledge of the island will become more complete and satisfactory.

117. Looking at the divisions upon the map as they appear at first view, nothing would seem to be more strange and unsightly than the straggling form and apparently inconvenient distribution of the respective provinces and districts of the island. But there are various circumstances connected with the geodætical features of the country, which make it unavoidable that the respective provinces should have irregular, and often to all appearance very inconvenient limits.

118. I am quite aware that it is inexpedient to make frequent or extensive changes in the boundaries of districts, either for revenue or for judicial purposes. I concur, however, fully in the propriety of annexing the district of

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Nuwerakalawiya to the Eastern Province, for it will probably have the effect of more speedily opening up the country, and trade will doubtless be improved by the more frequent inducement to the people to visit the port of Trincomalie.

119. I likewise concur in the propriety of uniting the district of Kornegalle (the population of which is essentially Kandians) with the Central Province. The theory of attempting to break up the so-called nationality of the Kandians, by annexing different portions of the Kandian country to the adjacent districts of the maritime provinces has in reality proved a failure, and as such it is better to act accordingly than to shut our eyes to it for the sake of a theory. The arguments in the Report upon this subject I conceive to be perfectly correct. It is much better to meet and provide for the remnant of Kandian nationality, if such it can be called, than to be voluntarily blind to the fact of its existence. By nationality, I mean the feelings, habits, associations and customs which still obtain among a people who, only 34 years ago, were for the first time subjected to our authority; and whose amalgamation with the maritime population, possessing associations, and feelings, and customs to a great extent different, never appears to have made much solid progress.

120. Kornegalle is very accessible from Kandy by a good road of 25 miles, and another road is in progress of formation between Kornegalle and Matelle.

121. Were it not from a feeling that frequent changes are far from being advisable, I should have wished that the boundaries of the Southern Province had been extended more towards the northward, so as to include a portion of the country which on the one side belongs to the jurisdiction of Badulla, and on the other to that of Ratnapoora. At three places on the sea-coast, not very distant from each other, there will be district courts and police courts, namely, at Matura, Tangalle, and Hambantotte; and although the population on the northern border of their present limits is scanty, and a large portion of the soil is temple property, still I am inclined to think that it would be very advantageous to the inhabitants if they could transact their business, pursue their trade, pay their revenue, and get their legal redress, or settle their private quarrels, at one and the same place on the sea-coast. But there are many questions of local detail of this description which can in reality only be properly decided in immediate communication with the Government agents on the spot.

122. The consideration of the very important subject of police regulation, and the establishments of native headmen and police vedahns throughout the interior of the country, for the maintenance of order and for making known the wishes and proclamations of Government, which are generally less extensively circulated than they ought to be, might very properly be treated under the department of the Government agents. The Fiscal's department also, which is charged with multifarious and onerous duties, requiring for their efficient performance no small degree of energy and knowledge of the people, might be appropriately considered under the head of Government agents; for with the exception of Colombo, the agents are the fiscals of their respective provinces. But it would very far exceed the limits of a paper of this description were I to enter into minute detail upon matters which involve the consideration of the whole machinery of Government of an island like Ceylon. But I may here be permitted to remark, that the observations in the Report upon the importance of the Fiscal's department, and above all, upon the necessity of introducing an improved system of native police agency throughout the interior, appear to me to be very appropriate and judicious.

123. Upon this subject I will take the opportunity of stating, that, in my opinion, the soldiers of the Ceylon Rifle Regiment might be made more available for local purposes than they have been of late. At some of the out-stations it has been found necessary to hire native watchers for the protection of the treasury, or strong room of the cutcherry, and also for guarding the Government salt stores. I am aware that objections are raised by military authorities to sending small detachments to outposts, and to imposing upon them performance of what might be deemed to be rather civil than military duties; but as the Rifle Regiment is peculiarly a local corps, and very heavy charges are defrayed on account of it out of the inland revenues, I think it is worth while to consider in what way the greatest amount of benefit can be derived from their services for the public good. At Putlam, for instance, where there is a detachment of 100 men, they are not permitted even to assist

in guarding the valuable salt stores, the whole expense of which, therefore, falls directly upon the civil department of Government. At Ratnapoora, the seat of an assistant agency, and also of a district judge, there is no detachment of Rifles whatever, although the district of Saffragam is one of great importance. A saving would be made to Government by placing a military guard over the local treasury, instead of employing hired and, perhaps, doubtful native watchers at a considerable expense.

124. Indeed, although I am very unwilling at all times to interfere in more strictly military questions, I cannot help again suggesting, for your Lordship's consideration, whether, having regard to the heavy military expenses borne by the colony, the services of the Ceylon Rifle Regiment might not be made more generally available for public purposes, without at all seriously impairing their military efficiency as soldiers.

Judicial Department.

125. The next department treated of in the Report, and in every sense probably the most important of all, is the Judicial department. The cost of the judicial establishments is at present so large, the demands for increased judicial advantages, or for the opening of new courts of law in several parts of the island, have been repeated so often, and with so much appearance of reason, while suggestions for an improved system of administration of the law have been put forward with so much weight and supported by such authority, that it would require almost a distinct treatise of itself to enter into the question in such a manner as could alone do justice to its importance. Much discussion has taken place upon this subject; and the feeling is become general, that with a reduced expenditure for legal purposes, it will be quite practicable to give greater facilities for the administration of justice, and in a manner much more satisfactory to the people. The subject is altogether so vast and so comprehensive that it would be impossible for me to dwell at any length upon it on the present occasion; I shall, therefore, reserve my observations upon this department, and, indeed, upon the whole subject of the administration of justice, until the next mail. I am compelled by its near departure to content myself at present with the simple transmission of various important documents and notes of evidence (including the papers of the Queen's Advocate, Mr. Selby) upon this subject. They will suffice to satisfy your Lordship, that the question of the administration of justice has received much attention at the hands of the local Government; and I am sanguine enough to hope that great benefit to the public at large, and some advantages, in an economical point of view, will ultimately result from the cautious adoption of some of the many recommendations which have been made.

126. I will only venture to add, at the present moment, that I take, in a general sense, a favourable view of the proposals contained in the Report. In some of the minor details, perhaps, I might see reason to differ from it; but I am quite sensible that the framers of the Report, taking a broad and practical view of the question in all its aspects, and bearing fully in mind the peculiar requirements of a people constituted as are the inhabitants of this island, have only arrived at the conclusions which they have adopted, after long and patient and minute inquiry and discussion. But I am sensible that the subject demands the minutest scrutiny, and that we must be somewhat mistrustful of theories in a matter of such fundamental importance as the administration of justice. For this reason I forbear from attempting any detailed observations upon the subject in my present despatch.

Ecclesiastical and Educational Establishments.

124a. The consideration of these two classes of establishments would naturally come under our notice in connexion the one with the other.

125a. The educational establishments have recently undergone a complete revision; and the economical results of the changes which have been introduced appear likely to be attended with beneficial effects, even upon the progress of education itself, so far as we have yet an opportunity of judging of them. The practice of strictly limiting the purely gratuitous system of educating the people, and of inducing them to pay for the education of their

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children on a moderate scale, in order that they may the better appreciate the value of the boon which the Government thus conditionally provides for them, has been attended with as much, if not more, success than might have been expected in so short a time. I confess that I should regret very much to see the educational establishments too much reduced, or rendered inefficient in practice, through any overstrained efforts at the saving of public money. I should rejoice, indeed, if it were possible to spare even a larger sum than is at present possible out of public funds, for the furtherance of an object so indispensable to the progress of civilization in this island. Nor am I without hope that at no very distant time a greater degree of liberality in this respect may be practicable on the part of Government. Even during the past year a sum not much under 10,000 *l.* has been devoted to this object, and I fear that it will not be possible to reduce the expenditure below this amount without injuriously arresting the progress of education, and seriously crippling establishments which, at a more prosperous period, it may be found difficult to replace.

126*a.* The expenditure in the Ecclesiastical department, during the year, exceeded the amount devoted to educational purposes, and it is well deserving of notice, that of the sum of 10,220 *l.* devoted to church purposes, 8,431 *l.* was absorbed by the Church of England.

127. I confess that the proposal put forward in the Report, that the colony should be relieved from the heavy expense at present incurred for the support of a bishop of the Church of England, struck me in the first instance as somewhat bold and impracticable, although its very boldness seemed rather to lend attraction to it. But on further consideration of the question in all its bearings, I have come to the same conclusion as the members of the Committee, namely, that so heavy a charge ought not to be borne by the colony for the support of the head of a church which is not the exclusive or established church of the island. I am quite sensible of all the difficulties which beset the question, and which have been the occasion of so much bitterness and jealousy in other colonies. In my despatch, No. 26, of 13th February 1849, I took occasion to recommend that the island of Mauritius should be added to the see of Colombo, and a portion of the expenses of the bishopric should be paid by that colony. This would certainly have the advantage of relieving the Treasury of Ceylon from a portion of the expense of a bishop of the Church of England; but on reflection I feel it my duty to support the opinion advanced in the Report, that a distinct episcopal see does not require to be supported for the island of Ceylon, and that, on the contrary, matters went on very well formerly under the episcopal jurisdiction of the Bishop of Madras, with a local resident archdeacon as head of the church within the colony.

128. I do not forget that the prevailing feeling of the day is in favour of the creation of new bishoprics. Nevertheless I quite agree with the Report, that if it be necessary to maintain a bishop in an island having so small a body of resident Europeans, and where so very moderate a number of native inhabitants are members of the Church of England, the expense should be provided for out of the funds of religious societies at home, or from the charitable endowments of individuals. The whole question of colonial churches is one of great difficulty; but it is impossible to shut our eyes to the fact, that in this island the church which embraces by far the greater proportion of professing Christians, viz. the Roman-catholic Church, receives no aid from the local Government whatever. Upon the subject of military chaplaincies and allowances for the spiritual charge of troops, ample information was afforded in my despatch, No. 84, of the 6th July 1849.

Medical Establishment.

129. A first glance at the amount of the expenditure during the past year upon the medical establishments and for the support of hospitals, even upon the present somewhat reduced scale, would induce the belief that it must be somewhat in excess of the absolute requirements of the public service, and that it would consequently bear reduction with advantage. I quite concur in the propriety of the proposed reductions contemplated in the Report; but beyond that I do not think that they could be carried without hazarding too much the public health, or without withdrawing, to some extent, that charitable aid towards the relief of the sick and helpless poor which it is the duty of Government to extend to them in a country such as this.

130. It

130. It seems, nevertheless, to be a large sum for the Government to pay, namely, about 15,000*l.* a year, for these purposes. But it must not be forgotten that extraordinary visitations of cholera, fever, and small-pox sometimes occur in this island, and that at some of the out-stations the habitual unhealthiness of the spot is well known, and that fevers of a troublesome and even dangerous kind occur periodically, thereby disabling for the time a great many persons who are in the employment of Government.

131. At many of the out-stations it would be impossible for a private practitioner to support himself independently of the aid of Government; and it would be necessary, under any circumstances, for the Government to find medical assistance for prisoners in the gaols, for sick Coolies travelling, and for really charitable objects. The progress which has fortunately been made in the introduction of vaccination among the natives, and in extending its benefits widely and systematically throughout the interior, has only been obtained by incurring a considerable annual expense for the attainment of this most important object.

132. I quite concur, however, that some reduction in the expense, and possibly some improvement in the details, of the Vaccine department might be effected.

But I look to a reduction in the number of military staff surgeons and assistant surgeons, who receive considerable island allowances, as a very feasible mode of diminishing the expenditure. They have, in reality, no very arduous military duties; and they decline to assist in the performance of civil medical duties of a public nature, unless specially paid for it; whereas the civil medical officers attached to the public service are required to take charge of troops and assist in the duties of all the military hospitals without any special remuneration for this portion of their duty. I think, therefore, that the military medical staff would very well bear the reduction recommended in the Report; and that if the military inspector of hospitals continue to be charged with the superintendence of all civil medical establishments, the amount of his allowance for that duty might be very properly reduced. I am strongly impressed with the feeling that some diminution of expenditure may, without any bad results, be effected in the Medical department generally; but at the same time I should be exceedingly reluctant to see the reductions carried to such an extent as to leave the public establishments inadequately provided for during unhealthy seasons, when it must be also remembered that medical officers themselves are scarcely more exempt from sickness than other individuals at unhealthy stations. The visitations of cholera and small-pox, and the inroad of other epidemics, are often very sudden and severe. Our public establishments are numerous in all parts of the island; and in this instance, as in so many others, the Government is compelled to charge itself with many duties, and encounter many expenses, which elsewhere would fall to a great extent upon municipalities, or would be met by the charitable contributions of the public at large.

Commissariat Department.

133. For several years past efforts have been made within the colony by the resident merchants to procure the abolition of the Civil department of the Commissariat. Every sort of complaint has been brought forward against both the system itself and the efficiency of its administration. Exaggerated statements have been made respecting the expensiveness of the Commissariat establishment, its wastefulness, and, by implication, of its mismanagement.

134. A Committee of the Legislative Council was appointed in 1846 to inquire into, and report upon, the whole subject; but no definite conclusion was arrived at, or rather the session closed without any report being adopted.

The evidence of one of the principal merchants, Mr. Armitage, who took a leading part in the inquiry there, has, however, been again taken during the recent investigation, and also the evidence of the late Deputy Commissary-General Major Parke, and of his predecessor in the department, Lieut.-Colonel Braybrooke, at present commanding the Ceylon rifle regiment. Captain Price, the Assistant Commissary, was also examined, and the notes of evidence of these gentlemen are all included among the papers transmitted with this despatch. After a very careful examination into the whole subject of the Commissariat and Colonial Store department, and having given due attention

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to the remarks and suggestions contained in the Report of the Committee of the Executive Council now under review, I feel it my duty at once to state that I dissent in a great degree from the conclusions at which they have arrived.

135. In the first place, it appears to me that some inaccuracy has arisen in consequence of an attempt to draw a distinct line of demarcation between the Military Commissariat and the Civil Store department, whereas they are both managed in conjunction with each other by one and the same establishment, and under one and the same head. Any arguments founded upon an imaginary separation of them must therefore be to a great extent erroneous. I incline to think that people have been a good deal misled by the very name of Commissariat, as if it were a purely military establishment, which ought not to be intrusted with the duty of taking charge of and issuing to the civil departments of Government the various kinds of stores, implements, building materials, and so forth, which are required for their use. Were it the fact that the Commissariat of Ceylon is a purely military institution, upon a footing similar to that upon which it stands in other colonies, there might be some grounds for the disinclination to impose upon the department extensive civil duties. But such is really not the fact, except in so far as it is charged with the provisioning of the troops, and has hitherto been always presided over by a military officer. But I imagine that if the more appropriate name of "Colonial Store Department and Commissariat Office" had been given to it, less objection would have been raised against it.

136. In fact there is in most, if not all colonies, I believe, a store department, which has been found indispensable for the proper custody, and for regulating the issue of public stores to the respective departments; nor do I perceive in what way a general establishment of that kind could be dispensed with in Ceylon, without imposing upon each separate department the responsibility, and the not trifling expense of having a distinct store of its own. Strictly speaking, I regard the Colonial Store department as the more important of the two for island purposes; the Commissariat might certainly be separated from it, and might be constituted as it is in other colonies; that is to say, it might be officered by gentlemen belonging to the English Military Commissariat department, appointed and paid by the Lords of the Treasury. A suggestion of this kind is in fact contained in the Report of the Committee; and were there any probability that it would be acceded to by the Lords of the Treasury, I should feel it my duty to give my warm support to an arrangement which would relieve the colony of considerable annual expense. In that case also, it would, I should suppose, be necessary to establish a distinct Barrack department, as in other colonies. But as I am not sanguine enough to think it probable that such a proposal will be acceded to, I shall assume for the purpose of my present observations, that the whole of the Military Commissariat, and the whole of the Barrack departments, the provisioning of troops, the custody of barracks and military stores, and furniture, and all other arrangements necessary for the maintenance and transport of troops in this island, must be continued to be conducted at the sole expense of the Colonial Government.

137. If then we grant that an efficient establishment must of necessity be kept up for military purposes, I cannot conceive any more economical arrangement for doing so than by uniting it with the Colonial Store department, and conducting the whole combined duties under one head. But let us suppose that the Colonial Store department were taken away altogether—that the civil departments kept their own supplies—or that the Government agent of each province were to become the general storekeeper of Government at the principal town of the province, and that the chief of each department in Colombo were to be required to keep in reserve a reasonable supply of all articles usually in demand for the purposes of the department, even on this supposition I failed to discover in what the saving would consist, or how the multiplied duties could be conducted without even greater expenditure, and more positive waste than is at present the case. But superadded to the above, there would have still to be maintained an expensive Barrack department and Commissariat department entirely at the expense of the colony.

I am quite prepared to admit, that it may probably be practicable to effect some reductions in the present combined department; and I also think that the amount of stores kept on hand, particularly at out-stations, may be advantageously

tageously reduced, and that some of the old stores which have long lain by, and have either become partially deteriorated, or are of less modern fashion than those now in use, might very properly be disposed of at once. I find that the probable value of stores in Columbo (exclusive of out-stations) is at present, as near as can be ascertained, as follows:—

	£.
Colonial stores - - -	17,700
Building materials - -	14,800
Commissariat stores - -	3,500
Provisions - - - - -	9,500
	45,000

138. I am also of opinion, that under the direction of the Auditor-General, an improved and more satisfactory mode of keeping the Commissariat and Store accounts may be adopted, by which much that at first view appears now to be obscure would doubtless be made to appear clear and intelligible. While, however, I freely admit that improvements may be effected, and that no time should be lost in endeavouring to introduce such as are of most obvious utility, I cannot imagine that any good results could follow from the entire abolition of the Store department, or that reasons which are very valid for the introduction of minor changes are equally cogent for the entire extinction of a system.

Originally the Commissariat department in Ceylon was a purely military establishment. Under regulations framed by Sir Thomas Maitland in 1808, it was attached to the Deputy Quartermaster-General's Department, from which, however, it was afterwards separated. In 1832 it was announced by Lord Goderich, to Sir Robert Horton, that Her Majesty's Government had resolved that the Commissariat department should be conducted under the direct control of the Lords of the Treasury, but such a measure does not appear to have been actually carried out. The union of all three branches of the establishment has continued uninterrupted, and I am persuaded that their duties have been conducted upon a much more economical scale than has by many been supposed.

Despatch No. 79
14th Sept. 1832.

139. It is no small advantage to the colony to have enjoyed the privilege of being supplied with tools and implements of the best quality, through the Ordnance department in England; for it has been stated in evidence, very forcibly, that it has rarely been found practicable to procure articles of equally good quality, and equally moderate price, in the public market in the colony, not even when tenders were issued, giving ample time to procure the articles required from England.

140. The market of Ceylon is too uncertain, and the demand too limited to enable merchants to keep large stocks on hand, particularly in a climate where they deteriorate so rapidly. It is only fair to record the fact, that public tenders are advertised on the spot by the Commissariat for all descriptions of articles that may be required. Those which are offered are submitted to strict scrutiny, and if not approved of, either in quality or price, they are rejected. Yet the supplies procured by this means have been very limited, and not always satisfactory.

141. It is possible that at some future time, if the colony goes on improving, and its trade augmenting, it may be practicable to abolish the present Civil Store department. But at present I should be sorry to see the public service impeded, or the departments crippled by so great and sudden a change; and I should be extremely doubtful if any advantage whatever would result to the public, from breaking up suddenly an establishment which has so long existed in its present form.

142. I am aware that remarks have been made upon the apparent discrepancy between the amount paid for provisions and the amount recovered for stoppages from the pay of the troops. But in reality the error is solely in the mode of rendering the accounts. Arrack, for instance, is purchased for the soldiers under the head of provisions, and very large supplies of it are obliged to be kept up, in order that it may acquire proper age. But the value of it is not recovered under the head of stoppages. It is sold to the troops, to the Royal Navy, and to the Government agents, at a considerable profit to the

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colony, and the proceeds go to the Public Treasury. Compensation paid in lieu of rations to the wives of native troops, and disbursements on account of transports, &c., are all charged under the head Provisions. Thus it would seem that the apparent error has originated in the peculiar manner in which the Commissariat accounts have been kept under old regulations, and which of course are susceptible of amendment.

143. Assuming at the present moment that it should be decided to retain the Colonial Store and Commissariat department nearly in its present form, under somewhat improved regulations, I take this opportunity of pointing out how a valuable addition may be made to its present duties, with a considerable saving to the public. There can be no question that a considerable loss has accrued to Government owing to the wasteful manner in which timber has been cut or converted by the departments of public works, after the issue of the unconverted timber from the stores. Two or three distinct sawing establishments have been maintained by the respective departments for the conversion of timber and the remnants (generally speaking no longer of any use except for firewood) have been returned to the stores and deducted from the issues. I think that, in future, there ought to be only one sawing or conversion establishment for all departments, that it should be attached to and be under charge of the Commissariat or Store department, and that timber should be issued to the public departments ready converted for use, according to the specifications sent in. In like manner, I conceive that the brick and tile manufactories at Bogambra and at Panabackery, which are now under the charge of the civil engineer, should be placed under the Commissariat, and regular accounts kept of the cost of manufacture and the amount of receipts under these heads.

144. From the lengthened observations which I have thus made, it will be obvious that, while I entirely dissent from the proposal made in the Report, that we should "be content with bad tools and be satisfied with inferior supplies rather than continue to maintain the store department of the Commissariat," and while I am perfectly convinced that the changes proposed would not ensure economical results, I nevertheless think that some improvements may be introduced into the administration of the department which will be practicably advantageous, and otherwise satisfactory upon general as well as economical grounds.

145. I regret that it is out of my power by the present mail to offer any detailed observations upon some other parts of the Report, which I have been compelled to leave almost altogether untouched. I am happy to be able to state that, generally speaking, I concur in the remarks contained in the Report with reference to the expenditure on account of the Contingent Services.

146. In the Military department there is obviously room for important reductions, particularly in the Staff departments; but as your Lordship has already intimated to me your intention of proposing some further reductions in concert with the military authorities, I forbear at present from entering into the consideration of this branch of the public expenditure.

147. In the ensuing session of the Legislative Council, to whose scrutiny your Lordship has directed that the entire public expenditure shall in the first instance be submitted, I look forward to the opportunity of receiving such full advice and such detailed recommendations as will tend to place the public departments in a state of complete practical efficiency, and will enable me to effect such wholesome reductions as may be really consistent with the legitimate demands of the public service. The members of the Legislative Council will, I am persuaded, receive with all the respect which it merits, and will examine with all the patient consideration which it demands, the important Report which has been submitted to me by the three members of the Executive Council who were intrusted with its preparation. Mr. MacCarthy, to whose ability and assiduity I am chiefly indebted for the immediate preparation of the Report, will be present in the Council to offer such explanations as may be needed respecting it, and to receive such further suggestions as the experience of many of its members must enable them to offer.

148. I feel confident that much public good will ultimately result from the fair and open discussion of the details of public administration which will be the consequence of this inquiry. I rely firmly upon the loyal feelings, the sense of justice and fairness, and the general zeal for the public good which will

will be exhibited (as I cannot doubt that they will be) by the members of the Legislative Council of Ceylon.

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149. I have only, in conclusion, to observe, that I am deeply impressed with the importance of each branch of this inquiry, and that I might even find it necessary to devote to each of them an entire despatch, were I to enter into the discussion of all their details. The observations which I have already made will suffice to put your Lordship in possession of my general views upon the whole subject. But with regard to the judicial department, I feel that it embraces so many points of inquiry, both complicated and important, that I am compelled to defer for the present my observations upon this branch of the subject.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.
(signed) *Torrington.*

P.S.—I have omitted to state that, accompanying this despatch, I transmit three volumes of papers, being notes of evidence and memoranda upon the various public establishments, furnished to the Committee of the Executive Council.

As the examinations were not formal, and no short-hand writer could be procured, the notes were only very hastily and briefly taken by Mr. Bernard. In most instances they were afterwards submitted to the parties concerned for correction, but in some cases it was necessarily omitted in consequence of the absence of the parties, or from casual causes.—*T.*

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Enclosure 1 in No. 2.

STATEMENT relative to the RECEIPTS and EXPENSES of the CUSTOMS for each of the last Three Years, 1845, 1846, 1847.

	Year ended 5th January 1846.				Year ended 5th January 1847.				Year ended 5th January 1848.				Total Revenue collected by the Customs for the last Three Years.		Total Expenditure for the last Three Years.		Three Years' average Duty on Exports.			Average Rate at which Receipt was collected for the last Three Years.									
	Revenue collected by the Customs.		Expenditure.		Rate per Cent. at which Receipt was collected.		Revenue collected by the Customs.		Expenditure.		Rate per Cent. at which Receipt was collected.		Revenue collected by the Customs.		Expenditure.		Rate per Cent. at which Receipt was collected.												
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.											
WESTERN PROVINCE.																													
Columbo	-	109,376	16	10	3½	108,422	17	2	3,893	6	8½	3½	113,032	1	10	4,000	4	2½	3½	11,766	3	-	10,925	5	-	12½			
Negombo	-	2,339	13	7½	10	2,326	17	3	301	19	11½	13	2,605	-	-	310	12	10½	12	883	10	9½	51	8	8½	12½			
Calpenny	-	1,106	16	1½	24½	1,125	14	5	274	16	6½	24½	1,306	17	8	284	12	2	22	3,539	8	2½	92	2	7	24			
Panura	-	1,748	4	10½	11½	1,779	11	10	237	6	6½	13	1,519	15	8	232	6	6	15½	5,147	12	4½	38	17	9½	13			
Caltura	-	1,494	17	4½	14½	1,357	18	2	248	16	4½	18½	1,519	9	2	264	5	1	17½	4,372	4	8½	62	17	2	16			
Barbary	-	2,737	19	-	11½	3,135	15	6	317	12	7½	10	2,808	5	-	307	10	9	11	8,681	19	6½	94	5	7	10½			
Total of the Western Province	£.	118,554	7	10½	4½	118,245	14	4	5,273	18	9½	4½	122,791	9	4	5,459	11	8½	4½	359,894	11	6½	-	-	-	-	4½		
SOUTHERN PROVINCE.																													
Galle	-	11,357	19	9	9-0	10,108	7	5	1,404	14	11	13-9	11,159	8	10	1,802	4	5½	16-2	32,635	16	-	78	15	-	13-			
Dollannewe Modere	-	690	-	6½	15-6	476	8	2	130	18	10½	27-5	594	18	1½	128	11	6	21-5	1,761	6	9½	-	-	-	26	14	3½	
Balleptitry Modere	-	794	13	2	23-6	655	18	5½	195	16	3½	29-9	883	19	3	188	1	7	21-3	2,334	10	10½	-	-	-	57	15	1½	
Belligam	-	399	4	10	32-6	256	1	4	157	19	4	61-7	450	-	3	132	9	6	29-3	1,105	6	5	-	-	-	42	9	9	
Gandurah	-	200	10	5½	45-5	196	7	1	87	-	-	69-0	131	6	9	87	-	-	66-4	458	4	3½	-	-	-	37	12	11	
Total of the Southern Province	£.	13,442	8	9	11-4	11,623	2	5½	1,976	9	5	17-0	13,219	13	2½	2,338	7	-	17-7	32,285	4	4½	4,225	10	11	637	10	9	
NORTHERN PROVINCE.																													
Jaffna	-	8,365	4	1½	18-3	5,368	13	6½	1,486	7	-	27-3	6,773	10	10½	1,578	17	11½	23-2	20,507	8	7½	4,431	-	1½	562	1	3½	22-3
Point Pedro	-	3,303	16	-	87	2,843	17	5½	983	1	-	10½	3,537	12	4½	437	6	11½	12½	9,635	5	10½	1,013	4	2	187	14	6½	10½
Manar	-	1,184	18	1	25-6	821	16	1	331	18	5½	40-8	947	18	6	479	2	4½	50-6	2,954	12	8	1,117	5	2	23	1	4½	37-6
Total of the Northern Province	£.	12,853	18	3	16½	9,004	7	1½	2,101	6	6½	23½	11,259	1	9½	2,495	7	3½	22½	33,117	7	1½	6,761	9	8½	-	-	-	20½
EASTERN PROVINCE.																													
Trincomalee	-	3,009	1	7½	13	2,684	8	5½	490	8	5½	13½	2,829	10	3	441	19	-	15-7	8,613	-	3½	1,335	9	9½	74	3	2	15½
Batticaloa	-	269	16	10½	26½	210	15	6	70	3	11½	33½	226	9	9½	72	4	4½	31½	707	2	2	213	2	3	3	10	7½	30½
Total of the Eastern Province	£.	3,368	18	5½	14½	2,895	3	11½	560	12	5	19½	3,056	-	-	514	3	4½	16½	9,320	2	5½	1,548	11	10½	-	-	-	16½
TOTAL of the Island	£.	148,519	13	4	6½	141,771	7	10	9,919	7	2	7	150,326	4	4½	10,807	9	4½	7½	440,617	5	6½	29,966	14	2½	-	-	-	7

Enclosure No. 2.

STATEMENT relative to the Receipts and Expenses of the Customs Department for the Year 1848, showing the Rate of Collection.

	Year ended 5th January 1849.			Exports.	
	Revenue Collected by the Customs.	Expenditure.	Rate per Cent. at which Receipt was Collected.	Cinnamon.	Ordinary.
WESTERN PROVINCE:	£. s. d.	£. s. d.		£. s. d.	£. s. d.
Colombo - - -	85,171 18 7	4,166 13 9 $\frac{1}{4}$	4 $\frac{7}{8}$	9,194 7 -	8,986 3 -
Negombo - - -	2,767 14 2	268 10 -	9 $\frac{3}{4}$	- - -	29 18 3
Calpenty - - -	1,093 3 2	260 - 4	24	- - -	150 13 7
Pantura - - -	1,613 - 5	224 11 9	14	- - -	57 10 5
Caltura - - -	1,462 6 5	228 2 -	15 $\frac{5}{8}$	- - -	37 17 5
Barbaryn - - -	3,195 9 3	296 10 8	9 $\frac{3}{8}$	- - -	22 7 7
Total of the Western Province - - -	95,303 12 -	5,444 8 6 $\frac{1}{4}$	5 $\frac{3}{4}$	9,194 7 -	18,578 10 10
SOUTHERN PROVINCE:					
Galle - - -	9,706 15 4	1,524 15 3 $\frac{1}{2}$	15 $\frac{7}{8}$	287 6 8	537 11 6
Dodandoewe Modere -	511 17 6	116 1 5	22 $\frac{6}{10}$	- - -	28 15 -
Ballypette Modere -	940 2 2	201 15 4 $\frac{1}{2}$	31 $\frac{5}{10}$	- - -	22 16 7
Bellyam - - -	727 5 9	129 10 2	17 $\frac{9}{10}$	- - -	29 7 6
Gendurah - - -	43 18 8	96 9 -	66 $\frac{7}{10}$	- - -	37 19 3
Total of the Southern Province - - -	12,029 19 5	2,068 11 3	17 $\frac{9}{10}$	287 6 8	943 16 6
NORTHERN PROVINCE:					
Jaffna - - -	4,951 12 8	1,542 15 - $\frac{1}{4}$	31	- - -	347 8 3
Point Pedro - - -	3,584 18 9	386 6 10	10 $\frac{3}{4}$	- - -	112 1 4
Manaar - - -	648 2 2	321 1 9 $\frac{1}{4}$	49 $\frac{1}{2}$	- - -	18 3 8
Total of the Northern Province - - -	9,184 13 7	2,250 3 8	24 $\frac{1}{2}$	- - -	477 13 3
EASTERN PROVINCE:					
Trincomalie - - -	2,658 16 8	445 13 6	16 $\frac{1}{4}$	- - -	40 4 6
Batticaloa - - -	188 13 9	70 13 1 $\frac{1}{2}$	37 $\frac{7}{15}$	- - -	4 18 11
Total of the Eastern Province - - -	2,847 10 7	516 11 7 $\frac{1}{2}$	18 $\frac{1}{4}$	- - -	45 3 5
Total of the Island - -	119,365 15 7	10,279 15 - $\frac{1}{4}$	8 $\frac{1}{4}$	9,481 7 3	20,045 4 -

Enclosure No. 3.

RETURN of the REVENUE received by the Treasurer and each of the Government Agents and Assistant Agents during the Year 1848.

HEADS OF REVENUE.	In the Western Province.						In the North-Western Province.									
	Treasurer.		Agent, Colombo.		Assistant Agent, Kaigalle.		Assistant Agent, Ratnapoora.		Agent, Putlam.		Assistant Agent, Kurnegalle.					
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.				
Arrears of Revenue of former Years	-	-	15,804	3	-	-	111	2	9	958	18	3	624	10	-	
Customs	94,462	2	3	-	-	-	-	-	-	-	-	-	-	-	-	
Port and Harbour Dues	929	10	10	-	-	-	-	-	-	-	-	-	-	-	-	
Land Sales	-	-	1,541	-	11	120	5	4	-	43	2	6	-	-	-	
Land Revenue	-	-	5,130	10	9	5,398	16	1	1,590	12	8	1,369	10	5	6,390	
Rents, exclusive of Lands	1,025	1	5	12,287	5	3	2,440	12	2	51	9	4	369	8	4	
Licences	5	5	32,980	17	3	2,063	15	-	898	2	7	1,643	2	10	795	
Stamps	13,077	7	1	1,066	11	3	35	10	328	7	1	888	9	8	402	
Taxes	-	-	5,025	18	3	-	-	-	-	-	-	-	-	-	-	
Postage	3,844	17	1	505	5	2	25	8	9	29	11	1	128	14	7	
Fines and Forfeitures	-	-	1,301	1	11	59	16	6	57	13	3	82	7	5	268	
Sales of Government Property	15,089	6	8	1,137	11	2	-	-	10	19	10	20,758	12	6	12	
Ration Stoppages of Her Majesty's Troops	12,443	10	3	-	-	-	-	-	-	-	-	-	-	-	-	
Reimbursements in Aid of Expenses incurred by Government	65	2	9	534	19	10	-	-	-	12	13	-	-	1	3	
Interest	766	14	3	1,481	4	5	19	11	2	5	16	11	79	11	4	
Government Vessels	328	2	4	-	-	-	-	-	-	-	-	-	-	-	-	
Miscellaneous	6,690	10	10	459	1	1	41	18	11	86	7	3	639	-	7	
Special Receipts	400	18	5	56	2	4	-	-	-	-	-	-	-	99	7	
TOTAL	£.	149,128	9	6	79,311	11	8	10,205	16	3,170	2	10	26,973	11	7	9,070

	In the Southern Province.						In the Northern Province.									
	Agent, Galle.		Assistant Agent, Matura.		Assistant Agent, Hambantotte.		Agent, Jaffna.		Assistant Agent, Manaar.		Assistant Agent, Anaradhapoora.		Assistant Agent, Mullettovee.			
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.		
Arrears of Revenue of former Years	353	-	-	-	-	-	257	16	1	90	1	9	16	14	1	
Customs	10,119	18	6	688	6	9	15	4	-	619	7	7	-	-	-	
Port and Harbour Dues	1,251	18	8	46	15	4	24	5	10	369	12	4	27	9	4	
Land Sales	38	18	11	-	-	-	718	2	3	-	-	-	-	-	-	
Land Revenue	2,310	11	9	5,518	2	3	2,703	9	10	1,215	11	10	1,038	16	3	
Rents, exclusive of Lands	1,496	14	4	28	5	4	119	3	6	348	14	5	393	6	6	
Licences	4,254	14	6	1,140	14	6	490	1	8	3,030	11	11	791	2	2	
Stamps	3,602	12	1	584	6	-	192	7	9	2,785	19	6	185	19	9	
Taxes	642	13	2	-	-	-	-	-	-	-	-	-	-	-	-	
Postage	743	9	5	71	-	5	52	2	3	303	16	5	32	14	1	
Fines and Forfeitures	410	5	4	107	3	6	93	-	9	367	8	4	19	5	3	
Sales of Government Property	791	8	6	8	10	1	8,695	17	1	3,489	8	10	944	16	6	
Ration Stoppages of Her Majesty's Troops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Reimbursements in Aid of Expenses incurred by Government	93	3	5	7	1	4	3	2	9	6	5	-	-	16	6	
Interest	22	17	-	4	8	8	11	-	4	31	5	2	4	1	10	
Government Vessels	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Miscellaneous	422	19	2	117	2	2	80	18	1	1,315	-	1	201	16	3	
Special Receipts	-	10	10	-	-	-	-	-	-	-	-	-	-	17	3	
TOTAL	£.	26,555	16	1	8,322	6	6	12,480	14	28,518	3	3	4,527	6	8	1,338

	In the Eastern Province.		In the Central Province.			TOTAL REVENUE.										
	Agent, Trincomalee.		Assistant Agent, Batticaloa.		Agent, Kandy.											
	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.				
Arrears of Revenue of former Years	1,116	16	8	105	16	8	6,382	18	7	10	11	10	25,832	14	8	
Customs	2,656	4	1	-	-	-	-	-	-	-	-	-	116,957	17	2	
Port and Harbour Dues	59	-	6	181	8	11	-	-	-	-	-	-	2,890	1	9	
Land Sales	73	14	4	1,734	5	-	1,090	9	2	27	4	5	77	6	5	
Land Revenue	309	5	10	1,164	18	10	1,894	15	2	2,195	5	5	456	13	4	
Rents, exclusive of Lands	109	-	4	572	12	8	3,394	3	11	100	14	1	15	-	-	
Licences	2,141	-	10	545	4	-	8,946	4	2	166	13	6	126	7	6	
Stamps	615	9	1	814	4	7	2,584	15	3	359	19	6	15	8	9	
Taxes	-	-	-	-	-	-	788	4	5	-	-	-	-	-	-	
Postage	200	3	3	91	7	5	1,759	-	9	116	13	6	28	2	1	
Fines and Forfeitures	68	7	3	20	-	1	1,411	6	3	42	2	3	55	3	3	
Sales of Government Property	3,204	14	1	698	19	3	3,770	9	3	7	4	4	3	10	5	
Ration Stoppages of Her Majesty's Troops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Reimbursements in Aid of Expenses incurred by Government	10	10	8	-	-	-	119	14	-	-	-	-	-	-	-	
Interest	86	8	7	24	1	1	526	8	2	12	-	5	-	-	-	
Government Vessels	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Miscellaneous	160	19	1	121	6	11	892	-	7	90	8	10	8	16	10	
Special Receipts	3	16	6	2	14	3	169	19	4	2	4	2	-	-	-	
TOTAL	£.	10,815	11	4	6,076	19	10	33,730	9	5	3,134	2	4	786	8	8

Enclosure No. 4.

COMPARATIVE STATEMENT of the Cost of the CIVIL REVENUE and JUDICIAL ESTABLISHMENTS, and of the REVENUE of each District.

Establishments, including Fixed and Provisional Salaries, Allowances, and Office Contingencies.	WESTERN PROVINCE.			NORTH-WESTERN PROVINCE.	
	Colombo.	Kaigalle.	Ratnapoora.	Putlam.	Kornegalle.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
His Excellency the Governor - - -	7,672 8 -	—	—	—	—
Colonial Secretary - - -	9,378 8 6	—	—	—	—
Treasurer - - -	3,327 12 -	—	—	—	—
Auditor-General - - -	3,772 8 -	—	—	—	—
Surveyor-General - - -	5,882 11 2	—	—	—	—
Civil Engineer - - -	2,696 13 8	—	—	36 - -	—
Commissioner of Roads - - -	4,738 4 6	—	—	182 12 6	—
Botanical Garden - - -	—	—	—	—	—
Loan Board - - -	426 - -	—	—	—	—
Savings Bank - - -	100 - -	—	—	—	—
Customs' Department - - -	5,733 14 -	—	—	—	—
Master Attendant's ditto - - -	1,381 10 -	—	—	—	—
Steamer "Seaforth" - - -	1,616 4 -	—	—	—	—
Post Office - - -	2,528 1 -	—	—	622 4 -	—
Agents of Provinces - - -	6,830 16 -	996 12 -	1,135 - -	3,022 - -	1,991 2 -
Judges of the Supreme Court - - -	6,730 - -	—	—	—	—
Queen's Advocates and Deputies - - -	3,476 8 -	—	—	—	—
Registrar Supreme Court - - -	2,044 5 -	—	—	—	—
District Judge, Commissioner of Court of Re- quests, and Police Magistrates - - -	6,701 16 8	558 - -	875 - -	1,826 10 -	1,232 - -
Ecclesiastical - - -	6,766 10 -	—	—	27 - -	—
Education - - -	6,480 16 -	36 - -	46 10 -	121 10 -	48 - -
Medical - - -	8,176 16 -	90 - -	90 - -	45 - -	45 - -
Police - - -	3,293 16 -	—	—	—	—
Fiscals, including Gaols - - -	2,744 7 -	122 8 -	111 - -	506 5 -	291 12 -
Colonial Commissary - - -	2,458 9 6	—	—	—	—
TOTAL Cost of Establishments - - £.	104,994 5 -	1,803 - -	2,257 10 -	6,389 1 6	3,607 16 -
TOTAL Revenue collected - - - £.	228,440 1 2½	10,205 16 -½	3,170 2 10½	26,973 11 7½	9,070 3 1½
Excess of Revenue over Establishment - £.	123,445 16 2½	8,402 16 -¼	912 12 10¼	20,584 10 1½	5,462 7 1½
Excess of Establishment over Revenue - £.	—	—	—	—	—
Per Centage which the Establishments bear to the Revenue of each District - - -	46	17½	71	24	39½

	SOUTHERN PROVINCE.			NORTHERN PROVINCE.			
	Galle.	Matura.	Hambantotte.	Jaffna.	Manaar.	Annurad- japoora.	Mullettivoe.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
His Excellency the Governor - - -	—	—	—	—	—	—	—
Colonial Secretary - - -	—	—	—	—	—	—	—
Treasurer - - -	—	—	—	—	—	—	—
Auditor-General - - -	—	—	—	—	—	—	—
Surveyor-General - - -	—	—	—	—	—	—	—
Civil Engineer - - -	—	—	—	186 10 -	—	—	—
Commissioner of Roads - - -	257 3 -	—	—	535 3 -	—	—	—
Botanical Garden - - -	—	—	—	—	—	—	—
Loan Board - - -	—	—	—	—	—	—	—
Savings Bank - - -	—	—	—	—	—	—	—
Customs' Department - - -	2,242 5 6	—	—	2,335 15 -	—	—	—
Master Attendant's ditto - - -	1,100 13 -	—	—	—	—	—	—
Steamer "Seaforth" - - -	—	—	—	—	—	—	—
Post Office - - -	684 12 3	—	—	1,209 11 -	—	—	—
Agents of Provinces - - -	3,517 14 -	1,540 12 -	1,483 6 -	4,130 9 -	1,122 12 -	817 - -	269 - -
Judges of the Supreme Court - - -	—	—	—	—	—	—	—
Queen's Advocates and Deputies - - -	249 10 -	—	—	307 10 -	—	—	—
Registrar Supreme Court - - -	—	—	—	—	—	—	—
District Judge, Commissioner of Court of Re- quests, and Police Magistrates - - -	2,765 6 -	1,566 19 -	1,316 14 -	3,835 7 -	579 9 -	615 4 -	456 - -
Ecclesiastical - - -	1,029 - -	30 - -	—	225 - -	30 - -	—	—
Education - - -	1,029 - -	257 - -	48 - -	—	40 - -	—	24 - -
Medical - - -	144 - -	54 - -	72 - -	255 - -	36 - -	36 - -	18 - -
Police - - -	282 - -	—	—	—	—	—	—
Fiscals, including Gaols - - -	745 1 -	246 7 6	427 19 -	801 13 -	89 16 -	61 4 -	13 - -
Colonial Commissary - - -	373 15 -	—	—	—	—	—	—
TOTAL Cost of Establishments - - £.	14,420 10 9	3,694 18 6	3,347 19 -	13,821 18 -	1,897 17 -	1,529 8 -	785 3 -
TOTAL Revenue collected - - - £.	26,555 16 1	8,322 6 6½	12,480 14 -	28,518 3 3½	4,527 6 8½	1,338 12 10½	619 10 -½
Excess of Revenue over Establishments - £.	12,135 5 4	4,627 6 -¼	9,132 15 -	14,696 5 3½	2,629 9 8½	—	—
Excess of Establishments over Revenue - £.	—	—	—	—	—	190 15 1½	165 12 11½
Per Centage which the Establishments bear to the Revenue of each District - - -	54½	44½	26½	47½	42	114	127

COMPARATIVE STATEMENT of the Cost of the CIVIL REVENUE, &c.—*continued.*

Establishments, including Fixed and Provisional Salaries, Allowances, and Office Contingencies.	EASTERN PROVINCE.		CENTRAL PROVINCE.			TOTAL.
	Trincomalie.	Batticaloa.	Kandy.	Badulla.	Nuwera Ellia.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
His Excellency the Governor - - -	- - -	- - -	- - -	- - -	- - -	7,672 8 -
Colonial Secretary - - - - -	- - -	- - -	- - -	- - -	- - -	9,378 8 6
Treasurer - - - - -	- - -	- - -	- - -	- - -	- - -	3,327 12 -
Auditor-General - - - - -	- - -	- - -	- - -	- - -	- - -	3,772 8 -
Surveyor-General - - - - -	- - -	- - -	- - -	- - -	- - -	5,882 11 2
Civil Engineer - - - - -	54 - -	- - -	480 - -	- - -	- - -	3,453 3 8
Commissioner of Roads - - - -	- - -	- - -	393 8 9	- - -	- - -	6,107 1 -
Botanical Garden - - - - -	- - -	- - -	1,181 13 6	- - -	- - -	1,181 13 6
Loan Board - - - - -	- - -	- - -	- - -	- - -	- - -	462 - -
Savings Bank - - - - -	- - -	- - -	- - -	- - -	- - -	100 - -
Customs Department - - - - -	534 18 -	- - -	- - -	- - -	- - -	10,846 12 6
Master Attendant's ditto - - -	558 14 -	- - -	- - -	- - -	- - -	3,040 17 -
Steamer "Seaforth" - - - - -	- - -	- - -	- - -	- - -	- - -	1,616 4 -
Post Office - - - - -	639 15 -	- - -	1,358 4 -	- - -	- - -	7,042 7 3
Agents of Provinces - - - - -	2,962 1 6	1,486 10 -	5,253 10 -	1,944 6 -	828 4 -	39,330 14 6
Judges of the Supreme Court - -	- - -	- - -	- - -	- - -	- - -	6,730 - -
Queen's Advocate and Deputies -	- - -	- - -	357 - -	- - -	- - -	4,390 8 -
Registrar Supreme Court - - -	- - -	- - -	- - -	- - -	- - -	2,044 5 -
District Judge, Commissioner of Court of Re- quests, and Police Magistrates - }	1,336 - -	838 18 -	4,677 8 7	1,024 4 -	335 - -	30,540 1 3
Ecclesiastical - - - - -	773 - -	30 - -	1,145 - -	- - -	165 - -	10,220 10 -
Education - - - - -	252 - -	51 - -	639 13 4	48 - -	48 - -	9,170 - 4
Medical - - - - -	139 10 -	45 - -	177 - -	24 - -	- - -	9,447 6 -
Police - - - - -	- - -	- - -	2,441 - -	- - -	- - -	6,017 5 -
Fiscals, including Gaols - - -	409 17 6	187 14 6	1,318 2 -	150 - -	153 - -	8,384 6 6
Colonial Commissary - - - - -	390 8 6	- - -	779 - 6	- - -	34 1 -	4,035 14 6
TOTAL Cost of Establishments - - - £.	8,050 4 6	2,639 2 6	20,201 9 8	3,190 10 -	1,563 5 -	194,761 18 5
TOTAL Revenue Collected - - - £.	10,815 11 4½	6,076 19 10½	33,730 9 5	3,134 2 4½	786 8 8½	414,189 16 1½
Excess of Revenue over Establishments - £.	2,765 6 10½	3,437 17 4½	13,528 19 9	- - -	- - -	221,761 9 7½
Excess of Establishments over Revenue - £.	- - -	- - -	- - -	56 7 7½	776 16 3½	1,189 11 1½
Per Centage which the Establishments bear to the Revenue of each District - - - }	74½	43½	59½	101½	196½	46½
Surplus Revenue to meet Contingent Services, exclusive of Establishments, Pensions, Military Pay, and Allowances and Expenses of Public Works, &c. - - - - - }	- - -	- - -	- - -	- - -	- - -	220,571 17 8½

Encl. No. 5.

Enclosure No. 5.

STATISTICS of Population and Area of the Agencies and District Courts for 1848.

NORTHERN PROVINCE (besides the Alien or Migratory Population).

		Area, Square Miles.	Whites.	Coloured.	Population per Square Mile.
A Government Agent and a District Court at Jaffna, comprising—					
All under one District Court.	Gravets of Jaffna - - - - -	17	712	28,106	1,695
	Valligammo, East - - - - -	26	2	15,900	611
	Valligammo, North - - - - -	38	7	29,046	764
	Valligammo, West - - - - -	34	25	32,017	942
	Vaddemoratchy - - - - -	45	29	35,747	795
	Temnoratchy - - - - -	89	22	39,964	449
	Patchelapalle and Karetchy - -	129	21	9,106	70
	Ponoryn - - - - -	239	6	4,365	18
	Vevele and the Islands - - -	293	4	22,220	75
Delft - - - - -		32	6	3,072	96
TOTAL - - - - -		942	834	219,543	{ Whole of Jaffna District, 233.

Statistics of Population and Area of the Agencies and District Courts for 1848—*continued*.

CEYLON.

NORTHERN PROVINCE—*continued*.

	Area, Square Miles.	Whites.	Coloured.	Population per Square Mile.
MANAAR.				
Assistant Agent and District Court, Manaar, combined under one head.				
All under one District Court. { District of the name, including the Town, or } Peltah, and also Tallemanaar - - - - -	66	95	10,421	159
Mantotte - - - - -	149	5	4,394	28
Moselly - - - - -	128	—	6,771	55
Kilkomole, North - - - - -	444	—	3,245	7
Sennechetty Colomm - - - - -	312	—	1,656	5
Toonokay - - - - -	358	—	1,560	4
TOTAL - - -	1,457	100	28,037	{ Average per Mile nearly 20.
THE WANNY.				
Assistant Agent and Police Magistrate at Mulletivoe	866	6	7,000	8
Assistant Agent and District Court Nuwera Kalawya { About } { 1,892 }		4	44,278	15
TOTAL of Northern Province - -	6,152	942	298,755	48

The Northern Circuit of the Supreme Court comprises the Northern and Eastern Provinces, together with the Chilaw and Putlam Districts.

EASTERN PROVINCE.

A Government Agent and a District Court, Trincomalie, separate.				
Town and Suburbs - - - - -	—	491	6,956	—
Tamlegam Pattoo - - - - -	—	—	1,186	—
Cattocolom Pattoo - - - - -	—	—	2,121	—
Tamancadua District - - - - -	—	—	1,977	—
TOTAL District of Trincomalie - -	—	491	12,240	—
An Assistant Agent and a District Court at Batticaloa, separate.				
Corle Pattoo - - - - -	248	—	532	2
Eravor Pattoo and Mamonove Pattoo - - - - -	166	550	24,518	61.8
Eraviel Pattoo - - - - -	28	4	3,565	128
Porativoe, Carrowan, and Samantorre Pattoos - - - - -	184	—	15,015	—
Nadicadoe and Nindoor Pattoo - - - - -	310	—	3,102	81.6
Ackra Pattoo - - - - -	100	—	5,025	10
Ponowa Pattoo - - - - -	273	—	5,025	50
Bintenne - - - - -	—	—	1,524	52
			1,405	—
TOTAL in the District - -	—	554	59,711	—
TOTAL in the Eastern Province - -	—	1,045	71,951	—

Total in the Eastern Province, only 71,951 native population, or very little more than the population of the single assistant agency of Kaigalle in the Western Province.

NORTH-WESTERN PROVINCE.

Putlam: an Agent only, no District Court nor Police Court.				
All under one District Court at Chilaw. { Putlam Pattoo - - - - -	557	38	2,180	21
Pomparippoo Pattoo - - - - -		17	579	
Akkerepatto - - - - -		13	6,208	
Calpentyn Pattoo - - - - -		98	6,208	
Kumaraweiniien Pattoo - - - - -		—	257	
Rajawanniien Pattoo - - - - -		—	62	
TOTAL - - -	—	166	15,494	—

CEYLON.

Statistics of Population and Area of the Agencies and District Courts for 1848—*continued*.NORTH-WESTERN PROVINCE—*continued*.

					Area, Square Miles.	Whites.	Coloured.	Population per Square Mile.
Chilaw : a District Court only.								
All under one District Court at Chilaw.	Northern Division—				455	5	12,215	64
	3 Pattoos - - - - -						16,865	
	Southern Division—							
4 Pattoos - - - - -								
TOTAL Chilaw and Putlam together -					—	171	44,574	—
Kornegalle: Assistant Agent and District Court, separate.								
District Court.	Nengalle Pattoo - - - - -				Area not known.	—	25,229	—
	Weveddewille Hatpattoo - - - - -					9	19,637	—
	Katugampolli Hatpattoo - - - - -					—	32,876	—
	Dewemedde Hatpattoo - - - - -					—	42,483	—
	Wanny Hatpattoo - - - - -					—	18,393	—
TOTAL - - - - -					—	9	138,618	—
Total Population of the North-Western Province is—						Putlam and Calpentyn.		
						Whites.	Coloured.	
Chilaw Divisions - - - - -						166	15,494	
Kornegalle - - - - -						5	29,080	
						9	138,618	
TOTAL - - - - -						180	183,192	

The Midland Circuit comprehends the Central Province, the District of Seven Korles, the North-Western, and all the Western Province except such portions as are comprised within the Southern Circuit.

This District Court also comprehends in its jurisdiction part of Four Korles.

WESTERN PROVINCE.

A Government Agent and a District Court.						Total area supposed to be 3,820 miles.						
Colombo and Gravets	-	-	-	-	-		2,383	35,909	—			
Salpetty Corle	-	-	-	-	-		37	39,811	—			
Hewagam Corle	-	-	-	-	-		3	23,920	—			
Cina Corle (Adecare and Medepattoos)	-	-	-	-	-		—	38,101	—			
Ditto (Gangebodde and Pedugahapattoos)	-	-	-	-	-		—	23,650	—			
Allootcoor Corle (Negombo)	-	-	-	-	-		61	39,952	—			
Ditto (Southern Division)	-	-	-	-	-		—	30,007	—			
Raygam Corle*	-	-	-	-	-		8	25,871	—			
Hagsategam Corle	-	-	-	-	-		—	11,640	—			
TOTAL							-	-	-	2,492	268,861	—
District Court only of Cultura and Caluamodere							-	-	-	158	29,631	—
Pantura							-	-	-	11	16,032	—
Pasdoon Corle							-	-	-	—	11,272	—
Walawitty Corle							-	-	-	—	3,021	—
Assistant Agent.												
Kargalle.	Three Korles †	-	-	-	-		-	3	12,337	—	—	—
	Four Korles ‡	-	-	-	-		-	21	52,173	—	—	—
	Lower Bulatgame §	-	-	-	-		-	5	3,602	—	—	—
Assistant Agent and a District Court, separate							-	-	-	—	—	—
Ratnapoora (Saffragam)							-	-	-	19	59,559	—
TOTAL of Western Province							-	-	-	2,709	456,488	—

* The greater part of the Raygam Corle, including Pantura, is within the jurisdiction of the District Court of Cultura, not of Colombo.

† The District of Three Korles is within the jurisdiction of the District Court of Ratnapoora.

‡ Part of Four Korles is within the jurisdiction of the Court of Kandy; part of it is in the jurisdiction of the Court at Kornegalle; no part of it is within the jurisdiction of any Court situated in the Province of which it forms a part.

§ Bulatgame is entirely within the jurisdiction of the District Court of Kandy.

Statistics of Population and Area of the Agencies and District Courts for 1848—*continued*.

CEYLON.

CENTRAL PROVINCE.

	Area, Square Miles.	Whites.	Coloured.	Population per Square Mile.
A Government Agent and a District Court at Kandy	- - -	393	111,017	—
Assistant Agent at Nuwera Ellia - - - -	1,231	119	16,507	—
Assistant Agent and District Court at Badulla, separate*	2,069	- -	56,740	—
Total of Central Province - - -	- - -	512	184,264	—

The District Court of Kandy comprises within its jurisdiction a part of the Four Korles, in the Western Province, and also Lower Bulatgane, in the Western Province.

* Badulla Court comprises a great part of Bintenne and the whole of Wellasse, and its jurisdiction extends down to the limit of the Southern Province towards Hambantotte.

SOUTHERN PROVINCE.

Government Agent and a District Court, separate.								
Galle, Fort Gravets, and	-	-	-	-	-	95	27,778	889
Ackmemine	-	-	-	-	36	-	4,081	—
Talpey Pattoo	-	-	-	-	145	20	21,910	151
Gangeboddepattoo and Heniredoon Patto	-	-	-	-	324	19	16,394	71
Wellebodde Patto and	-	-	-	-	-	-	19,223	—
Amblangodde	-	-	-	-	170	-	4,031	137
Bentotte	-	-	-	-	260	13	26,311	102
Total of Galle					935	147	119,728	129
District Court and Assistant Agent at Matura, separate.								
District Court.	Town and Gravets	-	-	-	12	231	9,932	846
	Gangebodde Pattoo	-	-	-	72	-	22,428	311
	Belligam Corle	-	-	-	123	2	20,076	163
	Welleboddepattoo	-	-	-	143	28	25,618	180
	Kandeboddepattoo	-	-	-	64	-	14,484	226
	Morewa Corle	-	-	-	181	-	7,727	42
Total of Matura					595	281	100,365	169
Assistant Agent at Hambantotte.								
Magam Pattoo*	-	-	-	-	414	6	3,228	9
Girreway Pattoo	-	-	-	-	205	53	41,801	215
Total of Hambantotte					619	59	45,029	72½
Total of Southern Province					2,149	467	265,322	123

* The District Court of Tangalle comprehends the whole of the above two Pattoos and Oedoebokka also.

RECAPITULATION OF POPULATION.

	Whites.	Coloured.
Northern Province (three District Courts) - -	942	298,755
Eastern Province (two District Courts) - -	1,045	71,951
Chilaw and Putlam (one District Court) - -	171	44,574
Kornegalle (one District Court) - -	9	138,618
Western Province (three District Courts) - -	2,709	456,488
Central Province (two District Courts) - -	512	184,264
Southern Province (three District Courts) - -	467	265,322
TOTAL - - -	5,855	1,459,972

There are only 15 District Courts for the whole island. The Jaffna District, with a population of upwards of 220,000 souls, has only one Court, while Trincomalie, with less than 13,000, has also one Court.

The Western Province, with a population of 450,000, has only three Courts.

Colombo, December 1849.

CEYLON.

Enclosure 6, in No. 2.

Encl. 6, in No. 2.

PAPERS containing PROPOSALS for an amended System of JUDICIAL ADMINISTRATION, by
Hon. H. C. Selby, Queen's Advocate.

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Report upon the Judicial System, dated June 21, 1847 - - - - -	118
Memorandum upon the same subject, dated May 20, 1848 - - - - -	134

Deputy Queen's Advocate's Office,
Colombo, 21 June 1847.

Sir,

AVAILING myself of the interval of comparative leisure afforded by my recent absence on leave from Colombo, I have drawn up the accompanying Report on the judicial system of this island, setting forth the views on various questions connected with the administration of justice, which for some time past had not ceased to engage my serious attention.

Should this Report prove in any measure instrumental in the promotion of that reform which is, I believe, very generally admitted to be indispensable, the purpose for which it has been written and with which I have now the honour most respectfully to submit it for the consideration of his Excellency the Governor will have been fully answered; and in the hope that a result so desirable may soon be realized,

The Hon. Sir J. E. Tennent,
&c. &c. &c.I have, &c.
(signed) H. C. Selby.REPORT upon the JUDICIAL SYSTEM in CEYLON, by Hon. H. C. Selby, dated
21st June 1847.The administration
of Justice in Ceylon
unsatisfactory.

1. "NOTWITHSTANDING," thus writes the late Secretary of State for the Colonies "an almost unbroken current of judicial and legal testimony at Ceylon has ascertained the wisdom of the general scheme" for the administration of justice, recommended by Mr. Cameron; notwithstanding "the ability with which it was executed on paper" by those who framed the Charter of 1833, the administration of the law in this colony has not proved satisfactory. "From the first year when the new Charter (of 1833) came into operation to this day," 1842, "I find" (continues Lord Stanley), "that a series of most voluminous reports and suggestions have been uninterruptedly flowing into this office, urging upon the Government very extensive amendments and alterations of it."

Notwithstanding
the alterations
effected in 1843.

2. These representations and the very general dissatisfaction with the system in its actual administration led, as is well known, in 1843, to important and in some instances fundamental alterations. But have the changes then effected, some of which were highly salutary, brought about a corresponding improvement in the administration of justice generally?

If not, may we not suspect that the radical defects of the system have, after all, been left uncored?

Those, indeed, who admit both the wisdom of Mr. Cameron's plan and the ability of its execution, must acknowledge that the cause of its failure should be sought for amongst the instruments appointed to carry it into operation. To me it appears that here, in truth, is to be found the secret of its want of success.

The root of the evil I conceive to be this, that that part of the machinery, on the healthy action of which the efficiency of the whole depends, is so constructed that it can only work well by accident. In a word, it is in the constitution of the Supreme Court itself that a sufficient cause exists for this dissatisfaction. But in this part of the system no change has been effected; for defects here no remedy was tried.

The Supreme Court
is not efficient,
though the Reports
on the Charter are
silent on the sub-
ject.

3. Let it not be thought that it surely must be a mistake to attribute inefficiency to the Supreme Court, because none of the "voluminous reports" to which Lord Stanley refers mention the existence of any defect in that department. Judging from them, it is true one would be disposed to trace all the evils of the system to anything rather than disease or disorder there. The inefficiency, from want of legal knowledge, of district judges; the litigious character of the natives; the low state of the bar, intellectually and morally; the want of a criminal and of a civil code; all these, indeed, are brought forward prominently. But there is no word of anything wrong at the core. Still without going further than those very reports, it will not escape observation, when comparing them attentively, that there has been, with the Supreme Court itself, not only a general want of system and great laxity of practice, but frequent violations of the Charter, and a mode of disposing of appeals which could only produce dissatisfaction. The following extract from Professor Empson's valuable "Report on the several Reports of the Judges of the Supreme Court on the administration of Justice," assigns the reason why no complaint is made of the Supreme Court. Does it not also hint at the probability that causes of complaint exist, though the reports themselves are silent on the subject? He writes in the following words:—"The means of information before me, concerning the efficiency of the Supreme Court, are comprised almost entirely in the reports made by members, past and present, of the Supreme Court itself. Not an observation is made by them to warrant the supposition that any one is dissatisfied with the manner in which the Supreme Court has acquitted itself in its original jurisdiction. Mr. Justice Stoddart (23) says, there are few or no arrears

arrears in this branch of the business. In like manner no complaint is made" (that is, in the reports) "concerning its discharge of its appellate jurisdiction."

4. It were indeed most unwise, and in such a case most pernicious, to conclude that the Supreme Court has acquitted itself well, because the judges of that court have not in their reports complained of its inefficiency. Supposing, as I think we must, that the judges knew that the court had not given satisfaction, their silence on the point should, in candour, be ascribed to the circumstance that they may have considered the dissatisfaction that existed owing rather to the errors of individuals than to any fault in the system. Nor can it be denied that there is much truth in this view of the matter. The dissatisfaction has been caused by the proceedings of individual judges. But it is fallacious to suppose that that part of the system which of necessity has led to such results, does not need amendment. But however this may be, one thing is certain, that no argument in favour of the efficiency of the court can be drawn from the mere omission by the judges to mention complaints of the manner in which their functions had been discharged.

5. This then is the object of the present Report upon the judicial system, to point out its defects, so far as a practical acquaintance with the subject enables me, and to suggest what I consider the appropriate remedies. Towards the development of my views and the better understanding of the subject, it is expedient to take a brief survey of the system, with the alterations subsequently made in any of its essential provisions; noting as we proceed the evils which exist, and their causes, that the path of improvement may be plain before us.

6. But before proceeding further, let me take occasion earnestly to recommend the fullest inquiry prior to the adoption of any measure of judicial reform. The questions to be resolved are of the most practical kind, and of the deepest importance. The judicious examination of but a few of those persons who are able to give valuable information upon the subject would speedily demonstrate whether further legislation is desirable. If it be found, on inquiry, as I have reason to believe it will, that the judicial system is essentially defective; that its defects are positively injurious to suitors; that they may be redressed, and at the same time a considerable reduction in the expenditure effected, without any detriment to the public service, the application of the remedy ought not to be prevented by the consideration that it is but three or four years ago since the Charter was altered. True, there is a great evil in constant innovation in a judicial as well as in any other social system; but of the alterations effected in 1843, no change is contemplated. My recommendations will apply to those parts of the system which have never undergone revision. Besides, though constant innovation is a great evil, and affords lamentable evidence of incapacity, the perseverance in a system, which, framed for the administration of justice, creates universal dissatisfaction and works injustice, would be an evil of tenfold greater magnitude. Again, ascertained defects cannot surely be remedied too soon; for, if of long standing, they acquire a sort of prescriptive right to be let alone; and not only does every year increase the difficulty of applying a remedy, but the people become familiarized to the system, and any after-change is, in truth, to them a real and practical grievance.

7. Moreover, independently of such considerations, and letting alone that ordinarily it is a weak and unsafe thing to delay a necessary reform in the vain expectation that a more convenient season will some day come round for attempting it, the present time seems peculiarly fitted for the proposed undertaking. In the first place, the judicial system, as amended in 1843, has had a fair trial. Then the state of the revenue and the financial condition of the colony call for the exercise of a prudent economy. Finally, a calm and dispassionate judgment will not be prevented by that admiration of individual genius and talent which sometimes sheds a false lustre around the most worthless institutions, dazzling the beholder, and blinding him to their inherent defects; in truth, before the light of a great mind everything assumes the form of order and beauty, and defects disappear, as the thickest darkness flies before the face of the morning. Practical men, therefore, will examine the working of a system under ordinary circumstances, and not with reference to what might be effected by persons supereminently gifted. In the latter case, such an examination as the present is not likely to be undertaken, or, if undertaken, to lead to any beneficial result.

8. The system recommended and introduced by the Charter of 1833 may be briefly described. Its characteristic principles were, first, the judicial division of the colony into districts, with a local court in each, of almost universal and exclusive original jurisdiction, civil and criminal; second, an unlimited right of appeal, both on questions of fact as well as points of law, from the local court to the Supreme Court on circuit; third, the institution of assessors, as a constituent part of the courts of original and appellate jurisdiction, who were to be required by the presiding judge, after hearing his opinion, to express theirs upon the law or fact, or upon both, but whose opinion has no effect at all in opposition to that of the judge. The exceptions to the uniformity of this system were few. They were chiefly the two following: first, the limitation of the criminal jurisdiction of the local courts to offences not of a serious nature; crimes of a grave description, being triable only by a jury before the Supreme Court on circuit; second, the extension of the right of appeal to a second stage, by allowing, as of right, an appeal from the Supreme Court to the Privy Council, in cases of the value of 500*l*.

9. The changes effected in this system in 1843 and subsequently, are—first, by the establishment of several local courts of original jurisdiction in each district: as police courts, for the trial of petty crimes and offences; courts of requests, for the trial of civil suits, where the amount in dispute is trifling; leaving the district courts to adjudicate in all civil

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Such silence no argument in favour of efficiency.

Object of the present Report.

Inquiry into the working of the system recommended.

The present time well adapted for reforming what is wrong.

Principles of the Charter.

Alterations therein in 1843.

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cases above the jurisdiction of the court of requests, and in such criminal cases likewise as are above that of the police courts, but not of sufficient magnitude for the Supreme Court. Such last mentioned cases, however, seldom arise, and in practice the district courts may now be almost considered as courts of original civil jurisdiction only. Second, by the establishment of a second stage of appeal in the colony (in addition to that to the Privy Council), by allowing an appeal on points of law, under certain restrictions, from the judgment of the Supreme Court on circuit to the three judges collectively at Colombo. Third, by granting a discretionary power to the district judge to take the opinion of the assessors, either before or after he has expressed his own. Fourth, by taking away the right of appeal on questions of fact in cases tried in the courts of requests and police courts, the proceedings in which can only be brought by way of review before the Supreme Court for incompetency of the court, gross irregularity in the proceedings, the admission of illegal evidence, and the like.

Outline of the system actually in operation.

10. The system, then, in actual operation at present, is as follows: first, the judicial division of the colony into districts, with a local court (the district court) in each of original civil jurisdiction, in all cases excepting those of which the court of requests can take cognizance. Second, the subdivision of some of these districts into smaller ones, with a local court (the court of requests) in each subdivision, as well as in every district not subdivided, of original civil jurisdiction in all cases where the amount in dispute does not exceed 5*l.*, provided the title to land is not in question, or rights in future may not be thereby bound. Third, the establishment in each of such subdivisions, as well as in every district not subdivided, of a local court (the police court) of original criminal jurisdiction in all cases of petty offences. Fourth, an unlimited right of appeal from the district court to the Supreme Court on circuit; and a limited right of appeal from the courts of requests and police courts to the Supreme Court at Colombo or on circuit. Fifth, a limited right of appeal from the Supreme Court in civil cases, decided by the district courts, to the collective court at Colombo. Sixth, the institution of assessors in the Supreme Court and district courts, but not in either of the inferior courts, in both of which the judge sits alone.

Effect of the changes in 1843.

11. The chief effect of these alterations has been to relieve the district courts, at the principal stations, of criminal business and small debt causes, thus enabling the Government to increase the territorial extent of their jurisdiction, by abolishing some of the less important district courts; establishing, instead of each district court abolished, a court of request and a police court. In all the large and populous districts, therefore, there are now a district judge, one or more commissioners of courts of requests, and one or more police magistrates. In some of the smaller or less populous districts the same individual holds all the offices, and is both district judge, commissioner of requests, and police magistrate. It appears to me that the establishment of police courts in the large towns was a wholesome and necessary measure, but I am not convinced of the expediency of having two such civil courts as a district court and a court of requests. The district courts and the courts of requests are, in reality, equally competent to decide questions of fact, equally incompetent to the decision of points of law. The offices of district judge and commissioner of requests are generally held by the same individual, and when not, the gentlemen who fill them might change places without any material disadvantage to the suitors in their respective courts. But I shall recur to this subject when I come to consider the propriety of doing away altogether with one of these courts.

No improvement effected in the Supreme and District Courts.

12. But nothing yet attempted in the way of judicial reform has affected the administration of justice in the Supreme Court and in the district courts. No improvement has taken place there; and what they were before 1843, they are now. It still remains as true as ever, that the determinations of civil suits is most unsatisfactory. I am bound to say, as much so in the appellate as in the original tribunal. Let us then endeavour to ascertain the causes of this unhappy state of things, and then, I doubt not, we shall soon discover the proper remedies. And, first, let us direct our attention to the Supreme Court.

Inefficiency of the Supreme Court as an appellate tribunal.

13. I willingly refrain from making any observations relative to the manner in which the Supreme Court has acquitted itself in its original jurisdiction. For, as I do not mean to propose any material alteration in this respect, and as the enactment of a criminal code now in course of preparation by the Queen's Advocate will prevent for the future that disproportion in the punishment awarded for similar offences which has been sometimes a reproach to the administration of criminal justice, it is needless to enter into that subject. It is, however, well worthy of remark, with a view to a subsequent recommendation, that in the exercise of its original jurisdiction by the Supreme Court there has been ground for commendation rather than censure. It is with that tribunal as a court of appeal we have now to do; and here, as we might expect, its inefficiency has been most displayed. I would, indeed, abstain from making such a statement if I thought the fact justly chargeable as a fault against individual judges, for then it could serve no good purpose, and time would sooner or later bring the needed remedy; but it is because I think the inefficiency of the court has arisen from faults in the system for which the judges cannot be blamed that I consider it my duty to speak thus plainly. The cause is, as I conceive, to be found in the want of an original civil jurisdiction. This it is which prevents the judges acquiring or retaining that practical knowledge which can alone enable the court to exercise its appellate jurisdiction with satisfaction to the public.

Same subject continued.

14. Many proofs could be given of the inefficiency of the Supreme Court as an appellate tribunal.

tribunal. I do not propose, however, to take so ungracious a task upon myself as to collect them, and shall, therefore, only allude to a few subjects which may serve at this time as a sufficient warrant for the assertion. Look, first, at the appeals themselves; is it not a well-known fact to the practitioners, and to suitors also, that no case is so bad as to be hopeless on appeal, and none so good as to be safe? I have often heard a judge exclaim, "How frivolous is this appeal!" when had the case come before his brother judge, the appeal would, probably, have led either to the reversal, or at least to the modification of the decision appealed against. Can it be said, with any propriety, that the judgments in appeal, except in a few cases decided by the judges collectively, are really regarded as authority, even by the Supreme Court itself? Or take another mode of forming an opinion, and we are still forced to adopt the same conclusion. Was it because the Supreme Court gave satisfaction to suitors, that the Legislature allowed an appeal, as a matter of right, from the Supreme Court to the three judges? thus actually establishing two stages of appeal within the colony. Again, was it because the judgments in appeal were clear and satisfactory that the Legislature found it absolutely necessary to enact that the judges should in future record the grounds on which their decisions rested? Or yet, again, was it on account of the efficiency of the Supreme Court that the power to regulate the practice of their own and the inferior tribunals by rules was taken from the judges by the Government? Is further proof wanted? Ask any intelligent native attached to the courts, any unprejudiced district judge, any independent practitioner, what he thinks of the Supreme Court as an appellate tribunal, and all doubt on the subject will soon be at an end.

15. Two causes have, I conceive, mainly contributed to this deplorable result. The first in importance is undoubtedly the fact, that the judges of the appellate court either never have been, or having no original jurisdiction, have soon ceased to be practised lawyers. Even supposing that, before ascending the bench, they had enjoyed some practice at the English, Scotch, or Irish bar, from which they may have come, both the law and the practice of this country differ most materially from that with which they may have been thus, in some measure, acquainted; and, moreover, what they once knew is soon forgotten, when the mental energies, weakened by the physical effects of climate, are not called into constant action, as they would be in a court of original jurisdiction. For the most part, however, the Supreme Court Judges have not latterly been practised lawyers when they ascended the bench. What opportunity have they then of becoming so afterwards? The mother-country sends to its colonial dependency a gentlemen well connected, indeed, and of good natural parts, but who at home had either never practised or not practised successfully. He comes out most probably to fill the office of a Crown lawyer. Circumstances to be presently mentioned prevent him practising in the court of original civil jurisdiction, and he rarely holds a brief even before the appellate tribunal. In the course of a few years he is raised to the bench, and called to sit in judgment upon the proceedings of courts of original jurisdiction with which he has little practical acquaintance; to decide nice questions of pleading who never drew a libel, or argued a demurrer; to construe rules of practice who never attended to the working of the system; to adjudicate on matters of local custom, who then, perhaps, hears of it for the first time; or to judge, from reading the record, of the credibility of native testimony, who never examined a witness on a civil trial. Is it reasonable to suppose that, however talented, the decisions of such a judge can give satisfaction?

Causes of such inefficiency: 1st. The want of original civil jurisdiction.

Judges not practised lawyers.

16. This is not an overcharged picture. At the present time the three judges of the Supreme Court have all filled the office of Crown lawyer in the colony. Two of them are from the English, one from the Scotch bar. They did not practise in the district court, the sole court of original civil jurisdiction; and, I believe, held but very few briefs in civil appeals during their career at the colonial bar. Several causes have been in operation to bring about this result. It is not, as may be imagined, any natural distaste for his profession, and still less any disinclination to enjoy its honours, or profit by his emoluments, that has deterred the Crown lawyer, in several recent instances, from practising as a private advocate; but he is new to his official duties, and unpractised in his profession. The responsibilities of his position as a Crown lawyer weigh heavily on him—its ordinary routine of duty exhausts him—the climate enervates him, and hence he feels no desire to compete with men whom he thinks, and perhaps not without reason, his inferiors; but who are nevertheless superior to him in his profession, and know much better how to shape a legal argument or manage an intricate suit than himself. Or, if after some residence in the colony, he has surmounted his difficulties, and might indeed be an ornament to the profession, he has already discovered that it will be more prudent to refrain from practising; and rather than engage in the labours of his profession, which, in this climate, are necessarily very arduous and exhausting, he is disposed to content himself with his official income, and quietly to await the period when he will be made a judge, or be perhaps permitted to retire on a pension. Whatever may be the supposed advantages immediately resulting to the Government when its legal advisers do not practise privately, it would surely in the end be a wise policy to encourage those who will probably be one day called to the bench, to avail themselves of the only means by which, when they come to fill the office of a judge, they may administer the law with credit to themselves and the Government, whose servants they are, and with advantage to the country.

17. The other cause which renders the Supreme Court inefficient as an appellate tribunal, is the manner in which the appeals are disposed of. The appeals are to the

2d. Cause of Supreme Court's

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inefficiency is in the mode of disposing of the appeals.

Supreme Court on circuit, and a single judge and three assessors constitute the court. The day on which the court is to open at every circuit town is fixed before the judge leaves Colombo; and various motives urge him not to be over his time, and to make his absence from head-quarters as short as possible. Most of the appeal cases have been sent up to the registry at Colombo before the judge starts on circuit. His leisure hours at home have probably been devoted to the perusal of many of them, and the rest he takes in his carriage or palanquin to read upon the road. All this would be well enough, if, when he came to the circuit town, the appeals were properly argued before him, and the points arising in them duly considered; in order to which there should not only be at every circuit town a competent bar to argue them, and plenty of time to hear the arguments; but the judge should have contented himself, when in his study, with making himself master of the case, instead, as is too generally the practice after a hasty and superficial perusal, of writing his decision before he has heard the argument; but on his arrival at the circuit town, after he is worn out with the criminal business of the sessions, a large number of civil appeals have to be decided within a given, and that usually a very short time. The district bar is very limited, and naturally inferior to that of Colombo; and even when professional gentlemen, from the latter place, are in attendance, they have neither the time nor the strength fully to master and to argue a large number of important cases; and if a new point arises, they have not authorities at hand to support it effectually. Under these disadvantages, the appeals are disposed of indeed—but how? Would these decisions, whether concocted in the study before argument (and oh, what a cruel mockery is this!) or arrived at in a moment after a hurried argument, bear the critical eye of an intelligent lawyer? Would they even make a respectable appearance before the collective and the Colombo bar? But supposing them to be perfectly correct, can it be thought that such a method of coming even to a sound conclusion will give satisfaction to the suitors? Will such an appeal court command the respect either of the District Judges or the local bar? Will it afford to either the means of improvement, and enable them afterwards more satisfactorily to discharge their own duties? These are indeed serious and weighty considerations.

Same subject continued.

18. But another evil flowing from the same source is, that it necessarily produces confusion and uncertainty in the administration of justice. The unity of the law is not preserved, nor is there any uniformity of system. To exemplify my meaning, let us take a single instance:

It is one, however, of constant occurrence. We have seen that the Charter allows an appeal on questions of fact. From the provincial courts certainly two-thirds of the appeals are of this description. Now how do the judges on their respective circuits deal with these appeals? One holds that to rehear on written evidence a case already decided on the *viva voce* testimony of witnesses examined in open court, is “to employ a worse mode of getting at the truth to revise and set right the better.” He accordingly takes the facts as found in the district courts; of course affirms the decision, and the whole proceeding is a miserable delusion. Another, setting aside theory, is persuaded that the district courts are not to be trusted even with the decision of the facts. He, therefore, encourages appeals upon the facts, by interfering with the finding of the district courts, not merely in cases where it is palpably contrary to the evidence, but where he, as a juryman, comes to a different conclusion from the court below, upon conflicting testimony. A third, halting between the two opinions, seeks any opening to avoid giving a decision, and remits the case for further investigation, in some instances, even where the parties do not desire it. Need I add that, upon questions of law, opinions are at least equally various. Are we then surprised at the number of appeals? Shall we exclaim against the litigious dispositions of the natives? Is it a right thing to punish any party or his proctor for a frivolous or groundless appeal in any case whatsoever?

Mr. Cameron's testimony in favour of one Central Court of Appeal.

19. I cannot forbear quoting, whilst on this subject, part of Mr. Cameron's “Report upon the Judicial Establishment and Procedure in Ceylon.” His testimony in favour of the principle of which I shall afterwards recommend the adoption, relating to the hearing of appeals, is the more important, because, for reasons that he mentions (but which, under a different system, are of little weight), he departed from that principle—sound, though he admitted it to be. His words are these, “the latter purpose” (the preservation of the unity of the law), “might, perhaps, be attained at the cheapest rate, by means of an appellate jurisdiction resident at Colombo, to which the records of cases tried by the courts of original jurisdiction might be transmitted by the post; but such a tribunal could not be effectual, even for this purpose, unless a much greater degree of method regulated the proceedings of the local courts than is now the case; and it would be almost powerless for the still more important purpose of impressing upon the local judge the consciousness of unremitting supervision, and upon the suitors in his court, the assurance that their just complaints will be attended to and redressed.” I shall hereafter take occasion to show that my plan does away altogether with the force of these objections to the adoption of the great principle of preserving unity of law and uniformity of practice by means of one appellate tribunal at Colombo for the decision of all appeals from every part of the colony.

Of the district courts.

20. We come now to consider the administration of justice in the district courts. It will be remembered that these courts have exclusive original jurisdiction over all civil causes, whether the matter in dispute is above 5 *l.*, or where the title to lands is involved, or rights in future may be bound by the decision. There is thus vested in them all the powers, jurisdictions, and authorities, exercised in the superior, common law, equity, and

and ecclesiastical courts in England. In order to form a correct opinion of the efficiency of these courts it will be well, however, to consider the subject under two separate heads: first, as regards their competency for the decision of legal questions, and, second, their efficiency for the determination of questions of fact. Much confusion has arisen from not keeping these two considerations distinct from each other before the mind. An unprofessional person, with but a superficial knowledge of the elementary rules of evidence, if he have a fair share of common sense and observation, will soon make a very decent judge on matters of fact; accordingly, if he happen to be experienced in the characters, and habits, and feelings of the native population, he will on the whole make a better judge in a mere dispute as to facts than a lawyer who has not that experience. The principal rules of evidence are acquired without much difficulty by any person of ordinary ability; and amongst a people by whom the obligation to speak truth is so generally disregarded altogether, a knowledge of native character and habits is perhaps more essential for the right determination of disputed facts than are forensic acquirements without such knowledge. Of course, if to legal attainments local experience were superadded, there can be no sort of doubt that the experienced professional judge would be far preferable to the unprofessional one of equal local experience, even as an investigator of facts.

21. But there can be no comparison between the lawyer and the layman when points of law have to be adjudicated. In order, indeed, to the exercise of a jurisdiction so extensive as that vested in the district courts, the judge should not only be a professional man, but a good lawyer. I mean, he should not be merely one of those who enjoy the honours of the profession by having been called to the bar, but a man who has really made the principle and practice of the law his study and his business. Of course, the more rude the state of society, the fewer will be the questions of law, and the less need, consequently, to have lawyers on the bench. But as society advances, as trade increases, as commerce flourishes, as laws are multiplied and the knowledge of them extends, the number of legal questions will gradually multiply also, until the determination of them becomes the chief part of a judge's duty. Mr. Empson has well observed on this subject, "The importance of justice being administered by lawyers depends on the question whether justice, in this particular instance, is synonymous with the application of such rules of law as lawyers only can be supposed to understand." And again, "The necessity for the district judges becoming, in one way or another, lawyers, will be getting stronger and stronger year by year. As soon as a system of positive laws to be interpreted by precedents is fairly established, a knowledge of them on the part of the district judges will be as indispensable as Mr. Justice Jeremie thinks it is at present" (1842); "indispensable for justice; indispensable because of the impossibility (without consent and ludicrous reversals) of working a recognised system of laws by means of unlearned original courts and a learned court of appeal; indispensable, because a bar, more or less acquainted with the laws, will be making head; indispensable, because by that time European settlers will be sufficiently numerous to force the judicial institutions into an adaptation to European habits." I can add nothing to these just and admirable remarks but this—experience has already proved their truth.

As courts of law.

22. Nor did Mr. Cameron think otherwise. He allows, in his Report, that the duties he requires of district judges suppose them to be "learned and practised" lawyers. The Charter Despatch, dated 23d March 1833, went even further: "It treated," says Mr. Empson, "the continuance in judicial offices of persons who had not been trained professionally to the study and practice of the law, as a temporary anomaly which was to disappear with the then existing judicial servants." Lord Goderich writes, "As vacancies may hereafter occur, lawyers by profession will be appointed to fill them; and any persons who may be appointed without the qualification of having been regularly educated in the study of the law must distinctly understand that the appointment is merely provisional, and is to be held only until another choice can be made."

Mr. Cameron's testimony.

The Secretary of State's determination.

23. But it is obvious that this admitted necessity of having lawyers on the district benches is not equally urgent everywhere. In many of the provincial towns where there is nothing that deserves the name of a bar, where there are few resident Europeans, where there is little trade, where almost all the disputes are about matters of fact, a lawyer on the bench would be comparatively of little use, and would indeed in time cease to be a lawyer at all. The places where it is indispensable to have lawyers as judges of the courts of original jurisdiction, are, I think, five in number,—Colombo, Kandy, Galle, Jaffna, and Trincomalie; at each of these capitals, or at least at all except the last-named, there is a bar, more or less respectable in point of talent and numbers. These are the places of trade, the seats of Government, the resort of Europeans. At present Kandy is the only district court in the island presided over by a lawyer, and he is colonial born and educated.

Only necessary to have five courts of original jurisdiction presided over by lawyers.

24. It appears, however, to me very evident that it would be inexpedient to have five of the courts of original jurisdiction presided over by lawyers, and the rest not. Not only would all uniformity of practice be at an end, but as legal questions do occasionally arise in the less important districts, it would be unjust to the suitors in them that they should have no competent person to decide for them, whilst their immediate neighbours could at once obtain a satisfactory adjudication of all their disputes by a practised lawyer. Of this I am persuaded, that as you cannot have a professional judge and a proper bar at the out stations, it would be for the advantage of the inhabitants, and greatly promote the due administration of justice, to have but five superior courts of original civil jurisdiction for

Expediency of having only five such courts.

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The appellate judges should be practised lawyers also.

Judges of Supreme Court should therefore have original civil jurisdiction.

District courts as courts for the investigation of facts.

Assessors the best judges of fact.

adjudication of legal questions; and that those five courts should be held at the towns I have mentioned. I have said you cannot have a professional judge and a proper bar at the out-stations, because the colony cannot afford to pay for the former, and the practice is too limited to give employment to anything that could be called a bar. Of the trial of questions of fact simply, I shall speak presently.

25. We must also bear in mind, that it is not expedient to have practised lawyers as judges of the courts of original jurisdiction and unpractised lawyers as appellate judges. The effect of this would be to bring the highest tribunal in the island into disrepute. The bar and the public would look up to the inferior court, and its decisions would be more highly esteemed than those of the court which sat in judgment upon them. The judge of the inferior court and the abler members of the bar would soon come to think, and perhaps to speak, slightly of the superior. The judges of the latter tribunal, sensibly alive to their own disadvantages, would, according to their peculiar temperaments, be either afraid to meddle with the judgments brought in appeal before them, or would fall into the opposite error of interfering with them needlessly. But I shall not pursue this subject further, as we have already had an example of the disrepute into which the appellate court fell, from these causes, when a practised lawyer sat on the bench of the district court of Colombo.

26. If, then, the necessity of giving an original civil jurisdiction to the judges of the Supreme Court be considered,—if lawyers are absolutely indispensable in the courts of original jurisdiction in five places in the colony,—if the finances of the country and other circumstances render it vain to expect that we can have practised and able lawyers on the benches of the district courts, in addition to lawyers sitting in the Supreme Court,—then I think the propriety of making the judges of the latter court the judges also of the superior courts of original jurisdiction for the trial of legal questions is most strongly indicated; but this will be even more apparent when we have advanced a few steps further. It may indeed be said that there is nothing to prevent the colony having three professional appellate judges, and professional judges in all the courts of original jurisdiction. But as the Government, though always admitting in the strongest language the necessity of having professional judges in the latter tribunals, has never found itself, during the lapse of 14 years, in a position to carry out its own views on this head, I am compelled to come to the conclusion that there are practical difficulties of an insurmountable character in the way. Indeed, for my own part, I am inclined to consider there is no necessity, and therefore no justifiable reason, in so small a colony, for having so many professional judges as the present system, if carried out according to the original intention both of its framer and of the Government, absolutely requires.

27. As regards also the investigation and decision of mere questions of fact, I feel assured a great improvement might and ought to be made. Formerly, up to 1843, the district judge expressed his opinion on the facts before the assessors, and they almost invariably assented to his opinion; but whether they did or did not, his opinion was the finding of the court. And it is so still, although, since 1843, he is at liberty, if so disposed, to take their opinions before he expresses his own, and to yield his to theirs, which then, in point of fact, become the judgment of the court. I am not disposed to think that the change was an improvement. An indolent or a fagged judge, after a long trial, will be disposed to leave the facts to the assessors, without comment; and the counsel who spoke last, or who spoke best, will probably gain the day. A judge whose mind is at all biassed, or whose feelings are anyhow concerned in the issue, will leave the finding of the facts to the assessors or not, as he may think his own views will thereby be best answered. In the administration of justice, especially in a place where there is no public, and no influential press or bar, as little as may be should be left to the mere *arbitrium judicis*. Under any circumstances, therefore, the judge, whether lawyer or layman, ought to be required to sum up the evidence carefully to the assessors, and do away, as far as he can, with any partial representations of it before he leaves them to judge of its effect.

28. It is, however, to be considered whether there is not a much better way than either of the foregoing of arriving at a sound decision upon facts. Mr. Cameron's ideas in associating assessors with the judge, were that they would operate as a check or stimulus to him whose opinion he preferred to that of a casual body taken for the occasion from the public, on the supposed superiority of knowledge in the judge. Now, everybody in Ceylon knows that the assessors are neither a check nor a stimulus to the judge, and, perhaps, mainly for this reason, that they have no power in their hands. It is admitted in the Reports already alluded to, that they have been neglected by the judges of the district courts; and it is undeniable that they have been neglected in a much greater degree by the judges of the Supreme Court, though this does not appear in those Reports. Neither can it be conceded that in Ceylon, whatever may be the case elsewhere, the judge's opinion on questions of fact is preferable to that of the assessors. On the contrary, supposing them honest, I am convinced their judgment as to the facts of a case is generally sounder than that of a judge. I can say, from experience, that if the judge gives himself the trouble to put the evidence clearly and concisely before the assessors, and evinces a real desire to know their feelings on the several points in issue between the parties, he will generally succeed in obtaining a valuable opinion; but to do this, the exercise of patience, the exhibition of sincerity and kindly feeling, the power of lucid arrangement of thought, and a strong sense of duty are requisite. "It is very remarkable," says Mr. Empson, "that in the testimony in their favour assessors are nowhere spoken

spoken of as a public checking the judge, but as substantial parts of the court, throwing light both on the law and fact, and competent to bear a part in the decision." As judges of facts I consider them invaluable, and I am prepared to recommend that all questions of fact should be left to the determination of the major part of a jury of nine assessors.

29. The question will doubtless be asked, and it is one well deserving an attentive consideration, how do you propose to guard against the dishonesty of this jury? It will be urged that every native is open to a bribe, and that the suitor who can bid the highest price will be the successful party. Now I will not deny that, as a general rule, a native suitor would not hesitate to offer, and a native assessor to accept, a bribe. Let it, however, be understood, that I make this admission in order to meet the difficulty fairly, not that I am satisfied of the truth of so sweeping a charge. Assuming, then, for argument, that every one of the nine assessors would be willing to receive a bribe from either or both of the parties, let us see what considerations of self-interest are likely to prevent suitors offering bribes. In the first place, a party (suppose the plaintiff) will have to bribe at least five of the assessors. Should one out of the five to whom he offered a bribe chance to be in the opposite interest, whether bribed to be so or otherwise, detection and exposure, the probable loss of his cause, and the certainty of punishment, must follow. Consider, besides, that in the majority of cases these assessors will be strangers to him, and that until their names are called from the panel, he will not know who will be the persons chosen to hear the cause. Again, how is he to tell that his adversary (the defendant) has not rendered all his plans abortive by doing the same thing? Finally, he knows very well that if the majority of the assessors decided for him contrary to evidence, the judgment would certainly be set aside and a new trial granted.

Reasons for thinking they will not be bribed.

I think, therefore, that however ready a party might be to bribe the assessors, he would deem it much more for his interest to give what money he had to spare to secure an additional witness or two, or with it to fee some clever practitioner reputed good at cross-examination or addressing a jury. But we are not left to form a conclusion upon mere surmise. For many years jury trial has existed in this colony, and I must say that, upon mature reflection and considerable experience in the conduct of public prosecutions, I see no reason to doubt the general integrity of the Ceylon juries. Indeed, it is on all hands admitted that the institution is a highly popular one, and this could hardly be the case if jurors were supposed to be readily open to bribery. The institution would then only be popular with criminals. I only know of one case in which an attempt was made to bribe a juror, and it became known by his standing up in court before the trial proceeded, and mentioning the fact. It will be said that he was an exception to the general rule, and that many other jurors may have received bribes, and kept the money and the knowledge of the fact to themselves. It may be so, undoubtedly, but have we any evidence that it is so? Are not the verdicts given generally satisfactory? Do not juries deservedly receive almost every session from every one of the judges acknowledgments of the creditable manner in which they have discharged their important office? These questions must be answered in the affirmative, and they go far, I think, to establish what the late Mr. Justice Stoddart calls the "excellency" of the Ceylon juries. Now it is quite clear that there will be more risk and less benefit in bribing a jury of assessors than a criminal jury; more risk, because the assessors will give their notes in open court, and the names of the majority and minority will be recorded: whereas jurors are sworn not to divulge their own vote or those of their fellows; less benefit, because the verdict of a jury is conclusive of the facts, whereas a new trial would render all the previous bribery in a civil suit not only useless, but if suspected (as it would be almost certain of being), positively injurious to the party who had attempted by such means to gain his cause. But, again, if assessors are so easily bribed and the parties are so willing to bribe them, we should naturally expect to find appellants making complaints now on this head. Ever since 1843, the district judges, as already observed, have had the power of leaving the facts to the assessors, and many have extensively availed themselves of the power, yet I have never heard that assessors were generally suspected of receiving bribes. The losing party often asserts that his opponent's witnesses have given false testimony; sometimes that his own witnesses, or some of them, have been bribed by the opposite party, and from one of the courts I have seen insinuations against the integrity of the judge himself; but no charge of corruption have I ever seen made against assessors. It is, indeed, a remarkable fact, that when the assessors have unanimously differed in opinion from the judge, the Supreme Court, in appeal, has fully as often concurred in the view taken by the assessors as in that expressed by the judge. Finally, it may be further considered that, taking the most unfavourable view of assessors, we shall not be in a worse condition, but in a far better one, by having nine instead of three; and that if the parties will not bribe assessors now, because the judge may give an opinion contrary to theirs, and so render the bribery useless; so neither can it be supposed they will bribe a jury of assessors, when they know that any well-grounded suspicion of such a thing, or any finding contrary to evidence, would, by leading to new trial, produce the same result.

30. Nor ought we to forget, whilst considering the comparative merits of a single judge, and of a jury, as arbiters upon questions of fact, that although the judge may generally be above all suspicion of receiving presents from suitors, it by no means follows that his judgment may not be as much, and perhaps more, warped, and the injustice he consequently commits equally great, as if he had indeed fallen so low as to allow "his fingers to be contaminated by base bribes." In small societies men are peculiarly exposed to the

The judge's mind may be sometimes warped.

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danger of suffering class prejudices, and individual partialities and animosities to stain, if not destroy, the purity of justice. Unconsciously it may be to himself, the dislikes of private life find their gratification in the exercise of the judicial authority. Feelings more powerful than the love of gold have undisputed sway over his mind; and though the judge would scorn to take a bribe, justice equally veils her blushing face before the unbridled license given to prejudice or passion. The more contracted the sphere the greater the danger from this source. Let the judge but feel that his conduct is jealously watched by an intelligent bar or an influential press, and he will feel the necessity of curbing his feelings and doing violence to his inclinations. Hence, I think, we are taught a double lesson. On the one hand we learn the wisdom of leaving the decision of facts to "a casual body taken for the occasion from the public:" on the other hand, we see the propriety of giving the jurisdiction so extensive, as that around him something like a bar shall be collected, and of placing him in such a locality as that public opinion may be readily brought to bear upon his proceedings.

Trial of questions
of fact.

31. But though it be desirable that a few principal courts of original jurisdiction at the chief stations in the island (I have suggested five: Colombo, Kandy, Galle, Jaffna, and Trincomalie) should have the disposal of all legal questions; it is as desirable, for the satisfaction of suitors, for the convenience of witnesses, for the attainment frequently of justice, and for the saving of needless expense, that the trial of facts should not take place at too great a distance from the place where the parties and witnesses reside. Besides, five principal courts of original jurisdiction, though they might easily dispose of all legal questions throughout the colony, could not try all the issues of fact which have to be determined. For both reasons, therefore, it seems to follow that these courts should have the power of remitting issues of fact in cases between parties living at a distance from the towns where those courts are held, to the local court of some smaller subdivision of their district, for trial before a jury. And even if the opinion that the colony is not yet sufficiently advanced for trial by jury in civil cases should prevail, issues of fact might still be sent down, where the parties and witnesses lived remote from the provincial capital, for trial in the court of requests; seeing that, as already observed, the elucidation of truth would be as complete in that tribunal as in a district court as at present constituted: the commissioners of the one and the judge of the other court, being at all the out stations the same individual.

32. I have already thrown out that the power of obtaining a new trial should be called in as a preventive against bribery, and applied generally for clearing up real doubts on the evidence. In practice, this remedy is extensively resorted to at present. Instead, where the appeal is on a question of fact, of requiring the case to be proved before the appellate tribunal, as Mr. Cameron intended, the Supreme Court has almost invariably ordered a rehearing in the same court where the cause was originally tried. The number of appeals on questions of facts, and the short time the appellate judge could remain at the circuit town, sufficiently account for this practice. However desirable it may be not lightly to grant new trials, it is obvious that in many cases it would be a positive denial of justice to refuse a rehearing of the evidence, or a further investigation of the facts disputed.

The only question of any moment, therefore, is whether a better system than the present may not be discovered. I ask then, whether, instead of the appellate tribunal sitting in judgment on questions of evidence, and sending back the cause to the same court from which it came, when dissatisfied with the finding of the court below, on that evidence it would not be a more simple and satisfactory plan to confine appeals to questions of law, and to allow a party, on showing sufficient cause to the Supreme Court exercising original jurisdiction, to have a new trial.

Assessors as judges
of law.

33. The evidence as to the value of assessors for the assistance of the court in the decision of questions of law is conflicting. Eight years' experience has satisfied me that in this respect they are not only useless, but that they feel their situation frequently to be, as Mr. Stoddart expresses it, "one of despair and ridicule." During all that time I have only known a very few instances in which their opinion was ever asked, except as the merest matter of form. Those were cases either of Moorish or Tamil customs, or Kandyan law. I confess, it always appeared to me the worst possible way of arriving at a correct decision. Infinitely preferable would it have been to have taken evidence of the most competent persons respecting the particular custom about which the doubt existed. I well remember a case tried before myself as district judge of Colombo, in which one of the questions at issue was the validity of certain bequests in a Moorish testament. There were Singhalese assessors perfectly ignorant of Moorish law; the parties not having been able to agree that the case should be tried by special Moorish assessors. One of the parties called the best-informed moors procurable in Colombo to establish the view of the law favourable to him. At first everything seemed to promise well for his cause, but when the witnesses were more closely examined, and the bearing of the principles they had been laying down upon other analogous cases shown to them, they hesitated, contradicted themselves and each other, and convinced both the court and the bar that they knew but little on the point. Had these men sat as assessors, and been asked their opinion of the law in the usual manner, the court would certainly have been misled. But having to undergo a cross-examination, and to answer the inquiries put by the judge, they showed how little reliance could be placed on their knowledge of the law. In the Supreme Court it would be ludicrous, were it not so painful, to witness the ordinary proceedings of this the highest judicial tribunal in the colony. The counsel on either side addresses himself in English to the judge, who gives his judgment in the same language, and then says to the

the interpreter something like the following: "Tell the assessors this is a question of law. It has been fully argued, and my opinion is, that the judgment of the court below must be reversed." The judge then makes a grave inclination of his head, and the assessors do so likewise; whereupon the interpreter says to the judge, "My Lord, they concur with your Lordship," and the farce is at an end. I have hardly ever known an educated stranger to be in the court without hearing him express his sense of the absurdity of the whole scene, and his sympathy with the assessors at the indignity to which they had been exposed. If then, as I conceive, assessors are of no use, either in the Supreme or District Court as judges of the law; if they are not a check or stimulus to the judge; if for the investigation of facts in the court of original jurisdiction a jury would be preferable to a single judge; it follows that the institution of assessors, not having answered the objects for which it was established, should be entirely abolished: that instead thereof, we should leave the facts of a case to be found by a jury, and the law for the decision of the professional judge who has made it his study, and for the correctness of which he is responsible.

34. Having thus endeavoured to show from intrinsic circumstances the advantage it would be to the country if there were one central court of appeal, the necessity of having a few principal courts of original civil jurisdiction for the trial of legal questions, the benefit which would accrue to the public by giving the Judges of the Supreme Court an original jurisdiction in civil suits; the indispensability of having "men trained to the study and practice of the law as a profession" to preside in the superior courts of original civil jurisdiction; the inutility of having two unlearned courts of civil jurisdiction in the same district for the investigation of facts; and the improvement which might be made in the general administration of justice by the introduction of jury trial in civil causes, and the abolition of the institution of assessors; let us proceed to consider those extrinsic circumstances which point us to the same direction as the path of judicial reformation. They may, I think, be comprehended under the four following heads:—(1.) The administration of justice upon circuit. (2.) The state of the bar, and the means of its improvement. (3.) The state of the law and the means of rendering it in Ceylon what it should be everywhere, a permanent, uniform and universal rule of conduct. (4.) The state of pleading and practice, and the mode of securing uniformity and improvement therein. Let us devote a single paragraph to the consideration of each of these important subjects.

Some extrinsic considerations.

35. By the charter the Supreme Court is required to hold a civil and criminal sessions twice at least every year, at each district town. On these circuits, criminal cases of a serious nature are tried before the circuit judge and a jury of 13 men; and after the conclusion of the criminal business, the civil appeals are heard before the same judge and three assessors. The Supreme Court, as is known, consists of three judges only, and it has never been found practicable since the Charter came into operation, to have more than two circuits in a year. It would, however, certainly be most desirable, were it feasible, that conviction should sooner follow the perpetration of the crime. Truth is far more readily discoverable when the trial takes place shortly after the offence has been committed, than if it be delayed for six months, or in case of a postponement (which in a country like this is frequently unavoidable) for a year. So, too, the great use and object of punishment would be much better attained, if the sentence were pronounced against the criminal whilst the particulars of this crime were still fresh in the memories of his countrymen. In those cases also in which accused persons either cannot find bail, or are accused of capital crimes, and not admitted to bail, there is necessarily, at present, a long incarceration before trial, hard upon the accused, if innocent, and always expensive to the country, which a more frequent gaol delivery would prevent. There are few reforms in the administration of criminal justice in Ceylon more needed than this; and I believe the holding of quarter sessions would prove highly beneficial and acceptable to the colony. Under the present system, however, this is out of the question; but place a Judge of the Supreme Court permanently at each of the five principal towns, and all difficulty on the subject disappears. The objections to the hearing of the civil appeals on circuit have been already stated. Let them be heard in Colombo. The unity of the law would be preserved, uniformity of practice established, the appeals would be sooner disposed of, and yet the indecent haste with which they are now too often hurried through upon circuit avoided; the cases would be more satisfactorily discussed, and the decisions upon them be more generally known, and of greater weight than at present. Thus might the circuits be wholly done away with, greatly to the improvement, as I believe, of the administration of justice, and the annual judicial expenditure be likewise materially lessened. Mr. Cameron's idea in recommending a circuit court of appeal, was "by sending the appellate judge periodically to the places where the causes were originally tried," to give "the parties and their witnesses the same cheap and easy access to him as they had to the judge of original jurisdiction." His object, we learn from his 18th recommendation, was that the circuit judge should, "according to what the justice of the case may require, try the cause over again, wholly or in part, or rehear the arguments of the parties upon point of law." Now in practice it has been found utterly impracticable to carry out these views; and accordingly it has been very rare for any appellate judge to try a cause over again; but very frequent to remit it back to the district court for rehearing. This manifest departure from the spirit of Mr. Cameron's system, though perhaps unavoidable, is, as might be expected, far from satisfactory. The new trial in the same court, before the same judge, cannot be expected to produce any very favourable result, and accordingly a second appeal is almost universal. It would surely be a better method for clearing up doubts on

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State of the Bar.

questions of evidence, to allow parties to apply to the Supreme Court exercising original jurisdiction for a new trial, and the principal reason for sending the appellate tribunal on circuit would cease to operate.

36. Every candid member of the Ceylon bar must be fully sensible of its deficiencies, though at the same time he may think they have been unjustly magnified. Nor can it be denied that despite the want of encouragement, and the few opportunities the practitioners belonging to the local bar have possessed of learning from the bench, or of witnessing the practice of able and experienced men from the bar of the mother country, the bar has nevertheless gradually worked its way in the estimation of the public. The questions now demanding our inquiry are of the highest importance to the community, and it is my wish to place the subject in its true light, neither concealing nor extenuating anything. Without an able and independent bar, justice cannot effectually be administered at any time, and will often be denied altogether. How zealously then should every man of noble mind watch over its growth. How anxiously will every good statesman seek for opportunities to promote its well-being, and for means to foster its rising talent and to cherish its youthful spirit of freedom.

Deficient as the members of the Ceylon bar undoubtedly are, when compared with those of other countries, where, be it remembered, the number of the practitioners is as a hundred to one, I venture firmly and unhesitatingly to assert, that it has been too much the fashion to decry it without sufficient reason. If the following facts are fairly considered, a more just estimate will be found on this subject. First, then, the members of the English, Scotch, and Irish bars, even the most distinguished of them, who have come to Ceylon, and practised at the local bar, have never been able to do more than hold their own. They never displaced or eclipsed their colonial brethren. They may from the circumstance of being "English barristers," or from the adventitious advantages of social position, have been more flattered and noticed by the great; but as judicious and well-informed lawyers, they were not more eminent than their despised fellow practitioners. I forbear instituting comparisons between individuals, however I might thereby strengthen my position. Our bar, we have reason to be thankful, now ranks amongst its numbers several professional gentlemen from home, and no unworthy jealousy has existed between its different members. Let me not, therefore, say anything which could interrupt this pleasing harmony. Rather let me call some of those who joined the bar from abroad, as witnesses on behalf of the local practitioners. Hear one of the ablest English barristers who ever came to Ceylon, and who had fuller opportunities of judging than any other—hear him speak: "Don't talk disparagingly of the Ceylon bar. I declare to you that I 'have frequently heard arguments submitted to the court which would not have disgraced Westminster Hall.'" See another English barrister allowing his junior, a member of the Ceylon bar, in an important cause, to take the lead throughout, and hear him acknowledge the great talent which his junior had displayed. Or leave the arena of the bar, and listen to the judges on the bench. The result will be the same. The second fact I proposed, referring to it, is that the suitors, Europeans as well as natives, entrust their cases to the different members of the profession, without reference to whether they belonged formerly to this or that bar. Of course what they look to is, who will conduct their business with the most skill and judgment; and certainly the members of the Ceylon bar have no reason to complain of any preference given to the gentlemen who have joined it from other bars. But let it not be supposed that I wish to conceal the fact that there is ample room for improvement. Far from it. I will even go further, and express the deep regret which I feel, in common with several other members of the profession, that there are, especially at out-stations, many very ignorant practitioners, and some, I fear, of disreputable character. No! let it not be denied, that there is everywhere great room for improvement. In truth the lower estimate that is formed of the present state of the local bar, the more apparent the necessity for the adoption of those measures which will lead to its improvement. How then is the bar to be improved? That is the question. It seems to me, that there are two simple and easy means of effecting this most desirable object. The first, by collecting together into a few central points, the members of the profession who are now scattered abroad. Let the appeals be heard in Colombo: and the number of superior courts of original civil jurisdiction be reduced; and we may be certain that in a short time there would be a good bar at Colombo, very tolerable ones at Kandy, and Galle, and much better ones at Jaffna and Trincomalie, than there are at present. The members thus brought together would exercise a control over each other; a higher tone of feeling would be engendered; the support of numbers would give firmness and strength to the weak; and the whole collective body would advance gradually in talent, independence and integrity. The other means of improving the bar, I need hardly say, would be to improve the bench, to have men "trained to the study and practice of the law as a 'profession,' of equal abilities, at the least, to those possessed by the gentlemen practising before them, on each of the benches of the superior courts, whether of appellate, or of original civil jurisdiction. The very great advance which the Colombo bar made during the few years that a good lawyer sat on the bench of the district court of that place—and never can its members be insensible to the benefits they then received from his teaching—is an unanswerable proof in support of this position.

37. It has been already incidentally remarked that a criminal code is in course of preparation by the Queen's Advocate. It is a great undertaking, and, when completed, will, I have no doubt, be most useful to the colony; but, important though the contemplated measure be, the necessity for a civil code is greater far. Let it be only considered that,

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ing it.

that, in an island not larger than Ireland, and containing less than 2,000,000 of inhabitants, the Roman, Dutch, the Kandyan, the Tamil, the Mohammedan, and parts of the English law are in force, and have constantly to be consulted; that much uncertainty prevails in a variety of cases as to which of these laws is to govern in the particular instance; that of some of them (let me particularly instance the Kandyan) very little is known, and that little but imperfectly; that there is no collection of local customs; and that the whole subject is involved in doubt and obscurity: let these things be considered, and the absolute necessity of a civil code must be recognised at once. But the difficulties in the way are great beyond the power of expression, and the labour would be proportionate. Undoubtedly one of the most necessary steps to be taken towards the fulfilment of this noble object, is the obtaining a correct knowledge of the laws and customs actually in force; to this end, place in each of the principal towns of the colony a professional lawyer on the bench of the court of original civil jurisdiction; collect around him a respectable bar; and such a judge must, of necessity, soon become thoroughly conversant with local laws and customs. Those to whom the duty should then, at any future time, be assigned of framing a code of laws, would thus be enabled to secure much valuable assistance from the highest legal authorities in the country; not that I think the work should be delayed till then; if the means were at our disposal, it ought to be commenced forthwith; and doubtless much might be effected before it became necessary to arrange, declare and explain particular laws and customs. But apart from this consideration, whether a civil code be ever attempted or not, the general improvement of the law, and the gradual extension of the knowledge of jurisprudence are, it must be conceded, objects for the attainment of which alone it would be expedient to follow any suggestion that promised fairly to bring about results so desirable.

38. To the due and effectual administration of justice, the establishment of a system of practice at once simple, concise, and uniform, is only inferior in importance to the preservation of the unity of the law itself. Professional men can perhaps alone fully appreciate the great value to suitors of a well-established and uniform system of pleading and practice; but when they reflect that in civilized communities justice must be dispensed in conformity with set rules and prescribed forms, even the unprofessional will acknowledge that each part of the judicial machinery should not only be in itself free from any serious flaw, but ought to assist in promoting the steady and beneficial working of the whole. It must, however, be confessed, that in matters of pleading and practice there is great want of system; an absence indeed of all uniformity, and in too many instances very grievous ignorance. So long as there are a number of provincial bars, unprofessional judges in our principal Courts of Original Jurisdiction, and unpractised, although professional judges in the highest tribunal, the practice must remain bad and unsystematic. How, for example, can a uniform system of pleading obtain, when there is so much difference in point of general education and legal knowledge between the practitioners of the principal courts, and those at out-stations? Is it not undeniable that there are many amongst the latter who cannot write English correctly, and more who do not even understand the terms of the art? Who do not, for instance, know the difference between a plea in abatement and a demurrer, and the like. Nor is this the only, nor perhaps the chief evil; for, supposing all the practitioners to be well-informed, still there could be no uniformity of practice, unless the judges by whom the practice is regulated were not only lawyers, but practical lawyers. Had such always been the case, we should not have been left in doubt, as we are at present, whether our libels ought to be framed like bills in equity, or declarations at common law, nor whether our answers should partake of the nature of answers in Chancery, or resemble pleas in the law courts at Westminster. We should not find a plaintiff stating the whole of his case fairly in his libel, to be answered by the defendant with the plea of *non assumpsit*, or not guilty, and be without any rule as to what may be given in evidence under those pleas. But I need not multiply instances; the remedy is plain and easy; it is to be found, but found only in the improvement of the bench and the bar.

39. Seeing, then, that each and all of these considerations, collaterally affecting the question of the improvement of the administration of justice, no less than those which more immediately concern its well being, bring us to the self-same conclusions, the conviction is forced upon the mind that we have not missed the true principles of an enlightened reform. But, before stating the recommendations which I would make with a view to the practical application of those principles, it will be proper to notice briefly the objections which may be urged to their adoption. Several of those objections are not without weight; but I think the scale greatly preponderates in favour of the counterbalancing advantages. I shall mention them in order, with the observations that occur to me on each of them.

1st Objection.—That a central appellate court would not be effectual for preserving the unity of the law, unless a much greater degree of method regulated the proceedings of the local courts than is now the case. True, such a tribunal would not be absolutely effectual for that purpose; but, under any circumstances, it must be more effectual than the present circuit courts of appeal. Again, a much greater degree of method will regulate the proceedings of the local courts than is now the case, when lawyers fill the benches, and a competent bar has been formed wherever there is a superior court of original civil jurisdiction.

2d Objection.—That a central appellate tribunal would be almost powerless for the purpose of impressing upon the local judge the consciousness of unremitting supervision,

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and upon suitors the assurance that their just complaints will be attended to and redressed. I am not prepared to admit the truth of what is here asserted, for I think experience contradicts it; but let it, for the sake of the argument, be assumed as true. The objection plainly ceases to be of force when, instead of the local judge being an unprofessional man at some out-station, without a bar to assist or a public to control him, he will be a judge of the Supreme Court, holding his court in one of the principal towns of the island, and having a respectable bar practising before him.

3d Objection.—That native suitors like to be present when their appeals are heard, and that it would be a hardship to make them resort to Colombo, or debar them that gratification. As confidence in their professional advisers increases, and education is extended, this desire will diminish; and accordingly in Colombo there is at present very little anxiety shown by clients to be in court when their causes are argued. This confidence will, moreover, rapidly increase as the bar improves, which, as we have said, it must do by centralization. Furthermore, the wish to be present at the hearing of appeals will be greatly lessened when suitors know that the discussions are confined entirely to questions of law. Of this I entertain no doubt, that the great majority of suitors would prefer that their cases should be properly argued and considered in their absence at Colombo, than hastily adjudged upon circuit in their presence.

4th Objection.—That five superior courts of original civil jurisdiction in the island are not enough, as suitors would have too far to travel to reach them; there will, however, be no occasion for them to attend at all; certainly not often. Before these courts only legal questions, points of pleading, demurrers, and the like, will ordinarily be discussed, excepting where the parties are living in or near the towns where they are holden. Issues of fact will always be tried before a jury in that part of the district where, in the majority of cases, the suitors and witnesses will be resident, and they will have less distance to travel than at present. I believe, too, that a journey to the provincial capital occasionally, especially on account of a lawsuit, is by no means looked upon as a hardship by the mass of the native population. Time, with the generality, is of no value, and a case or two in court is a mark of distinction. Europeans of course would, if at a distance, content themselves with writing a letter of instructions to their professional adviser, and leave the conduct of the case in his hands; and the more intelligent natives would soon follow their example, if it happened to be inconvenient to travel to the provincial capital. It is a well-known fact, that when a distinguished lawyer was on the bench of the Colombo district court, many native inhabitants of adjoining districts anxiously endeavoured, by every possible means, to get their suits instituted in the court over which he presided, instead of bringing them in that of their own district, not caring for the distance, merely that they might at once obtain a satisfactory decision; and my opinion was once taken by an English mercantile firm, whether a cause in which they were interested, that had been properly brought in a court distant not much less than 100 miles from Colombo, could not be transferred to the district court of that place, in order that it might be tried before a lawyer in preference to a layman. It is, perhaps, hardly too much therefore to say that this, the most important of the objections that occur to me, is not of such weight as to require further consideration.

Recommendations. 40. If, then, I have in any measure succeeded in making plain what to my own mind is very clear, it will be evident that any reform of our judicial system to be effectual, must be based on the principles I have endeavoured to develop, and which will be found embodied in the following recommendations:—

(1.) I recommend that the Supreme Court shall have an original criminal jurisdiction, as at present; an original civil jurisdiction, similar to that which the district courts now possess, and an appellate jurisdiction; and shall consist of one chief justice and five puisne judges.

(2.) I recommend that the whole island shall be divided into five circuits, to be called the northern, eastern, western, central, and southern; and that the said circuits shall be divided into districts.

(3.) I recommend that a judge of the Supreme Court shall hold a court of original civil jurisdiction, to be called the Supreme Court, at the chief town in his circuit, (that is, at Jaffna, Trincomalie, Colombo, Kandy, and Galle), over all causes, except those within the jurisdiction of a court of requests, which arise within the limits of his circuit.

(4.) I recommend that in each of the districts into which a circuit is divided, a court of requests and a police court shall be established, with the same jurisdiction as at present.

(5.) I recommend that the Supreme Court shall have power to remit issues of fact in civil cases pending before it to the court of requests of the district within which the cause of action arose, or the parties reside, for trial in the said court, before a jury of nine assessors, the opinion of the major part of whom expressed in open court, shall be the finding of the court upon the fact; excepting where the cause of action arose, or the suitors live, in the district in which the Supreme Court is held, in which case the Supreme Court itself shall try the said issues of fact with a jury in like manner.

(6.) I recommend that the said court of requests shall, upon any such reference, proceed to try the issues of fact so remitted, and thereafter return the record of the said cause to the Supreme Court, with the finding of the jury, certified under the hand of the commissioner. That the Supreme Court shall thereupon, after due notice to the parties, give judgment according to the law of the case and the finding of such jury; unless it

sees

sees occasion to grant a new trial. In which latter case, such new trial shall be holden either before the judge of the Supreme Court himself and a jury of nine assessors; the opinion of the major part of whom, expressed in open court, shall be the finding of the Supreme Court upon the fact at such new trial: or otherwise, before such other court of requests, as the Supreme Court shall direct, and a jury, in like manner as at the first trial.

(7.) I recommend that when the facts of a case shall have been tried originally in the Supreme Court, the appellate tribunal shall have power, if there shall be occasion, on the hearing of the appeal, to direct a new trial either in the court where the cause was originally tried, or (should it appear advisable) in the court of requests of the district in which the first trial was had.

(8.) I recommend that the Supreme Court should hold a court of original criminal jurisdiction, as at present, at least four times every year, at each of the said five circuit towns, and that the said courts shall consist of a judge of the Supreme Court and a jury of thirteen men, as at present.

(9.) I recommend that the judge of the Supreme Court within each of such circuit shall hear at the chief town in his circuit all reviews from the court of requests and police courts within his circuit, and other summary applications, as the same are now heard before the Supreme Court on Tuesdays, or in chambers, at Colombo.

(10.) I recommend that an appellate jurisdiction of the most comprehensive kind, for the correction of all errors in law, over the courts of original civil jurisdiction holden at such circuit towns by the Supreme Court, shall be vested in a central court of appeal, which shall be holden at Colombo twice in every year, and oftener if necessary and practicable, before the chief justice of the island and two or more puisne judges of the Supreme Court.

(11.) I recommend that the puisne judge stationed in Colombo shall be always one of the puisne judges of such appellate court, and that the judges stationed at Kandy and Galle do attend thereat in rotation; unless the business of their respective courts will allow of the attendance of them both at Colombo during the hearing of the appeals.

(12.) I recommend that the chief justice and the puisne judge stationed at Colombo shall preside at the criminal sessions for the Western Circuit in rotation, and shall divide between them the business of the court of original civil jurisdiction and the reviews from the courts of requests and police courts within the said circuit, in such a manner as shall be most conducive to the prompt and efficient administration of justice.

41. Were these recommendations carried into effect, it appears to me that it would be desirable to station the puisne judges in the following manner:—The senior puisne judge at Colombo, the second at Kandy, the third at Galle, the fourth at Jaffna, and the junior at Trincomalie. But I shall not enter further into details, as these could more conveniently be considered at a further time, if my plan should meet with approval.

Stations of the
Puisne Judges.

42. I have annexed hereto a statement showing the present judicial expenditure of Ceylon, and what it might be, were the alterations proposed carried into effect. In arriving at the conclusions which I have stated above, the financial part of the question has not principally engaged my attention. I confess I consider it more for the welfare and happiness of the people that justice should be efficiently administered, though at a costly price, than inefficiently, though at a cheaper rate. But although the changes suggested were not made with a view to economy, I have not lost sight of that important element in every reform; and should they be adopted, an annual saving to the revenue of about 5,000*l.* will be effected, not including the expense of the circuits, which cost the colony more than 2,000*l.* yearly, nor the additional expenditure incurred by the unnecessarily long imprisonment of accused parties before trial which I have not the means of estimating. If I am right then, the more efficient system will be also the less expensive one; but even if only as efficient as that now in operation, it has at least the recommendation of costing less to the country by at least 7,000*l.* annually. It will be seen that I have, in almost every instance, suggested an increase in the expenditure of the establishments of the courts of requests, so as to allow of additional clerks, and, in some cases, of an increased salary to the commissioner. Care has also been taken to place the Supreme Court Establishments on the most efficient footing. But these are matters which it may suffice thus cursorily to notice in a report like the present. Let me only add, that with a proper bar at each of the stations where a Court of Original Jurisdiction was established, a yet greater and very considerable reduction might be effected in the judicial expenditure, almost all the business of these courts, and of the appellate tribunal also, which is now transacted by clerks paid by Government, ought to be done, as in other countries, by the proctors engaged in the suits, and to be paid for by their clients.

43. Before concluding these remarks, I would take occasion to call attention to the draft of an ordinance which I prepared about two years ago relative to the administration of estates, and which was printed by order of Government Legislation on the subjects which it embraces I am satisfied is much needed. If the principle of that ordinance should be approved, the sum of 1,500*l.* a year at the most, judiciously applied, would carry out its details effectually, and at the same time render yet more complete the Establishment of the Supreme Court. For the registrar of wills under that ordinance might at the same time be appointed taxing officer of all proctors' bills, an office the want of which is at present much felt. Thus, I venture to predict, would be secured the better administration of justice throughout the colony; provision would be made for the due care and regulation of the estates of deceased and absent persons, minors and lunatics; and the annual judicial

Appointment of a
Registrar of Wills,
and Taxing Officer.

Comparative Statement of Judicial Expenditure under the Present and Proposed System—continued.

PRESENT SYSTEM.				PROPOSED SYSTEM.									
District Court, Court of Requests, and Police Court at Badulla :	£.	s.	d.	£.	s.	d.	Court of Requests and Police Court of Negombo	£.	s.	d.	£.	s.	d.
District Judge	550	-	-				Ditto - ditto, Awishawelle	-	-	-	500	-	-
Secretary	120	-	-				Ditto - ditto, Kandy	-	-	-	400	-	-
Clerk	75	-	-				Ditto - ditto, Kaigalle	-	-	-	500	-	-
Singhalese Interpreter	75	-	-				Ditto - ditto, Matelle	-	-	-	500	-	-
Malabar Interpreter and Clerk	75	-	-				Ditto - ditto, Gampola	-	-	-	400	-	-
Native Writer	18	-	-				Ditto - ditto, Rickellegaskedde	-	-	-	400	-	-
Record-keeper	36	-	-	949	-	-							
District Court, Court of Requests, and Police Court at Ratnapoora :							Court of Requests and Police Court of Nuwera Ellia				300	-	-
District Judge	556	-	-				Ditto - ditto, Kurnegalle	-	-	-	750	-	-
Secretary	75	-	-				Ditto - ditto, Madawlatenne	-	-	-	400	-	-
Clerk	50	-	-				Ditto - ditto, Badulla	-	-	-	750	-	-
Interpreter	75	-	-				Ditto - ditto, Ratnapoora	-	-	-	750	-	-
Native Writer	18	-	-	768	-	-	Ditto - ditto, Caltura	-	-	-	750	-	-
							Ditto - ditto, Bentotte	-	-	-	500	-	-
District Court, Court of Requests, and Police Court at Caltura :							Ditto - ditto, Galle	-	-	-	750	-	-
District Judge	550	-	-				Ditto - ditto, Matura	-	-	-	500	-	-
Secretary	120	-	-				Ditto - ditto, Tangalle	-	-	-	500	-	-
Head Clerk	75	-	-				Ditto - ditto, Hambantotte	-	-	-	400	-	-
Second ditto	50	-	-				Ditto - ditto, Chilaw	-	-	-	500	-	-
Interpreter	75	-	-				Ditto - ditto, Calpentyntyn	-	-	-	400	-	-
Translator	27	-	-				Ditto - ditto, Manaar	-	-	-	400	-	-
Native Writer	15	-	-	912	-	-	Ditto - ditto, Nuwera Kalawia	-	-	-	500	-	-
Court of Requests and Police Court, Bentotte				474	-	-	Ditto - ditto, Jaffna	-	-	-	750	-	-
							Ditto - ditto, Point Pedro	-	-	-	400	-	-
District Court of Galle :							Ditto - ditto, Chavagacherry	-	-	-	400	-	-
District Judge	1,000	-	-				Ditto - ditto, Cayts	-	-	-	400	-	-
Secretary	120	-	-				Ditto - ditto, Mulletivee	-	-	-	500	-	-
Head Clerk	75	-	-				Ditto - ditto, Trincomalie	-	-	-	500	-	-
Second ditto	50	-	-	1,464	-	-	Ditto - ditto, Batticaloa	-	-	-			
Singhalese Interpreter	75	-	-										
Malabar - ditto	75	-	-										
Translator	27	-	-										
Native Writer	18	-	-										
Record-keeper	24	-	-										
Court of Requests and Police Court at Galle				573	-	-							
District Court of Matura :													
District Judge	650	-	-										
Secretary	100	-	-										
Head Clerk	60	-	-										
Second ditto	50	-	-										
Interpreter	75	-	-										
Translator	36	-	-										
Native Writer	18	-	-	989	-	-							
Court of Requests and Police Court of Matura				450	-	-							
District Court, Court of Requests, and Police Court at Tangalle :													
District Judge	550	-	-										
Secretary	70	-	-										
Clerk	40	-	-										
Interpreter	60	-	-										
Translator	30	-	-	750	-	-							
Court of Requests and Police Court Hambantotte				442	10	-							
District Court, Court of Requests, and Police Court, Chilaw :													
District Judge	625	-	-										
Secretary	100	-	-										
Clerk	50	-	-										
Interpreter	75	-	-										
Native Writer	18	-	-										
Record-keeper	12	-	-	880	-	-							
Court of Requests and Police Court at Calpentyntyn													
District Court, Court of Requests, and Police Court at Manaar :													
District Judge	365	-	-										
Secretary	60	-	-										
Clerk	40	-	-										
Bookbinder	5	14	-										
Interpreter	40	-	-										
Native Writer	12	-	-	522	-	-							
District Court, Court of Requests, and Police Court at Nuwera Kalawaya :													
District Judge	365	-	-										
Secretary	100	-	-										
Interpreter	100	-	-										
Native Writer	15	-	-	580	-	-	Carried forward				30,511	18	

Comparative Statement of Judicial Expenditure under the Present and Proposed System—continued.

PRESENT SYSTEM.				PROPOSED SYSTEM.					
District Court of Jaffna :	£.	s.	d.	£.	s.	d.			
District Judge - - - -	1,250	-	-						
Secretary - - - - -	100	-	-						
Head Clerk - - - - -	60	-	-						
Second ditto - - - - -	50	-	-						
Bookbinder - - - - -	12	-	-						
Interpreter - - - - -	75	-	-						
Writer - - - - -	15	-	-						
Second ditto - - - - -	12	-	-						
Clerk of Deeds Registry - - -	60	-	-						
Writer - - - - -	15	-	-						
Record keeper - - - - -	40	-	-						
				1,689	-	-			
Court of Requests and Police Court, Jaffna - - - - -	-	-	-	582	-	-			
Ditto - ditto, Point Pedro - -	-	-	-	427	-	-			
Ditto - ditto, Chavagacherry -	-	-	-	412	-	-			
Ditto - ditto, Cayts - - - -	-	-	-	387	-	-			
Ditto - ditto, Mulletivoe - -	-	-	-	427	-	-			
District Court, Court of Requests, and Police Court, Trincomalie :									
District Judge - - - - -	1,000	-	-						
Secretary - - - - -	120	-	-						
Native Writer - - - - -	12	-	-						
Bookbinder - - - - -	4	10	-						
Clerk of Court - - - - -	75	-	-						
Native Writer - - - - -	27	-	-						
Interpreter - - - - -	50	-	-						
				1,288	10	-			
District Court, Court of Requests, and Police Court, Batticaloa :									
District Judge - - - - -	550	-	-						
Secretary - - - - -	75	-	-						
Head Clerk - - - - -	30	-	-						
Second ditto - - - - -	22	10	-						
Interpreter - - - - -	27	-	-						
Native Writer - - - - -	10	-	-						
				714	10	-			
TOTAL - - - - £.	-	-	-	36,003	-	-	TOTAL - - - - £.	-	-
								30,511	18 -

MEMORANDUM submitted to the Governor and the Executive Council by the Acting Queen's Advocate, Hon. *H. C. Selby*, dated 20th May 1848.

SHORTLY after the Charter of 1833 for improving the Administration of Justice in Ceylon, came into operation, it was found, or believed, to require very extensive alterations and amendments. The system, simple as it was, and theoretically beautiful, did not give satisfaction in its actual administration.

To remedy what seemed to be its chief defects, the Legislature, in 1843, departed entirely from the fundamental principle of the charter, by establishing courts of inferior civil and criminal jurisdiction in the several districts of the island. Up to that time the district court had been the sole court of original jurisdiction, civil and criminal, in such district: thenceforward, in addition to the district court, there were established in every district, courts of request and police courts, the one for the adjudication of petty civil causes, the other for the trial of police cases.

The objects then contemplated might, I think, have been secured without the establishment of these new jurisdictions; and the evils which always arise from the existence of a multiplicity of courts in the same district, and which have been already experienced here, would have been avoided.

Be this, however, as it may, I venture to affirm with some confidence, that the administration of justice generally has not been improved by the changes effected in 1843. On the contrary, I believe it gives even less satisfaction to the public now than before that period.

To my mind it is evident that the real defects in the system were overlooked in 1843, and that, instead of applying a remedy for evils which did exist, a complex and costly machinery was established, which contains greater defects than those it was intended to redress. The reform which seems to me needed is, I think, to be attained by retracing our steps, to a certain extent, towards the position we occupied in 1833, and by applying those remedies now which were then needed.

And here let me briefly point out what I consider to be the great evils of the present system, as they affect the administration of justice in the several courts, both in those established before as well as in those established since 1843.

And first, as regards the Supreme Court. Under the charter, this tribunal possesses an original criminal jurisdiction, and is also a court of appellate jurisdiction for the correction of all errors in law, or, in fact, committed by the district courts, and (under the Ordinances passed in 1843) for the correction of certain specified errors committed by court of requests and police courts.

In

In the exercise of its original criminal jurisdiction there has been very little, if any, reason to complain of the Supreme Court.

But as a court of appeal, its inefficiency has long been felt and acknowledged. This, as it seems to me, has arisen, firstly, from the court not possessing any original civil jurisdiction; and, secondly, from the manner in which appeals are necessarily disposed of upon circuit by a single judge. It is unreasonable to expect a court to be efficient as an appellate tribunal, unless the judges presiding over it are men long conversant with the practice and pleadings of Courts of Original Jurisdiction. It is only there they can acquire that practical knowledge which will enable them to exercise an appellate jurisdiction satisfactorily. Equally futile does it appear to expect that the unity of the law can be secured, or that its administration can be as beneficial as the public are entitled to expect, where a large number of appeals have to be disposed of, in a given time, on circuit, by a single judge, oftentimes without even the formality of an argument.

The want of an original civil jurisdiction I consider to be the great practical error in the constitution of the Supreme Court. I need not at this place demonstrate the incalculable advantages to suitors of having their appeals decided by an appellate judge, who has been well practised, either as a judge or a practitioner, in courts of original jurisdiction. Nor is it necessary to do more at this time than remark cursorily, that there is no reasonable prospect of having a continuance of practised appellate judges in a small colony such as Ceylon, unless they are vested also with an original jurisdiction.

The evil second in importance is the disposal of appeals by a single judge on circuit. I do no more than mention this defect in the system, as it is one of a very obvious character, and of which complaints have been so generally made.

As regards the district courts, the defects are rather in the carrying out of the original design than in the design itself. The paramount evil is, that courts of supreme original civil jurisdiction in each district of the colony are presided over by gentlemen who have not been trained to the knowledge and practice of the law as a profession. This is certainly not the necessary consequence of anything in the system itself. Nay, it is an evil which the framer of the charter thought he had sufficiently guarded against. But with the experience of fifteen years before us, I think I am warranted in saying, that practically this is a defect which will attend, though it may not be inherent in the system. Indeed, I am free to confess that I do not consider this colony requires, or can afford to pay for, such a force of professionally educated lawyers on the bench as implied in the establishment of an appellate supreme court composed of three professional judges, and of a sufficient number of district courts of supreme original jurisdiction, each presided over by a single professional judge. The evil of the actual state of things here pointed out is not, I may remark, an imaginary one. On the contrary, even under the most favourable circumstances, the necessity of having unprofessional district judges has led, in a multitude of cases, to the most serious consequences to suitors, and proved highly detrimental to the profession.

The manner of deciding upon questions of fact in the district court is likewise, I think, open to serious objections. It appears to me, that assessors, who are now confessedly of little use (for the reason, as I believe, that they have no power), should be discontinued; and that the facts of a case, instead of being found, as at present, by the judge (with or without the assistance of the assessors, as he pleases), should be found in every case by a majority of nine jurymen, each juror giving his vote on every question of fact in open court. Questions of law should be decided by the presiding judge.

As regards courts of request and police courts, it seems to me that the exclusion of proctors has been highly injurious to the public, and that many of those acts of injustice and absurdity which have been perpetrated by the magistrates presiding therein would have been prevented if those courts had not been closed against the profession. Besides, from various causes, suitors are unwilling to conduct their own cases: and it is a remarkable fact that in Colombo, where the court of requests is presided over by one of the most able and experienced of the interior magistrates, a large number of suitors prefer having their causes tried in the district court, although they must themselves bear the cost of the action, if successful, and if unsuccessful, must pay *double costs* to the defendant. I have indeed been informed on good authority, that in one year no less than 800 cases under 5*l.* (of which the court of requests had jurisdiction) were instituted in the district court of Colombo.

Another defect, as I think, in the constitution of these courts is, that the right of appeal is confined within too narrow limits, considering the inexperience of the magistrates who often preside therein, and the circumstances of the people generally.

Having taken this rapid glance at what appear to me the leading defects of the present system, I proceed to state, in a few words, the nature of the alterations which I would suggest. For the details of the measure, the accompanying draft Ordinance may be consulted; I would recommend, then—

1. That the Supreme Court shall have an original criminal jurisdiction, as at present, and an original civil jurisdiction similar to that which the district courts now possess.

2. That the island shall be divided into five provinces, and that the said provinces shall be divided into districts.

3. That a judge of the Supreme Court shall be permanently stationed in each province, and shall hold therein civil and criminal sessions; the latter four times at least in each year. That on civil trials the facts shall be found by a majority of nine, and on criminal

CEYLON.

trials by a majority of thirteen jurors. That on both civil and criminal trials the presiding judge shall decide all questions of law.

4. That the Supreme Court judge in each province shall hear all appeals from the district courts within such province upon any question of law.

5. That the Supreme Court shall have power to remit issues of facts in civil cases pending before it for trial to the district court of the district within which the cause of action arose, or the parties reside. The facts to be found by a jury of nine men, as in trials before the Supreme Court, and the case to be returned to the Supreme Court with the finding of the jury certified by the district magistrate, whereupon the Supreme Court shall proceed to give judgment in the case according to law, upon the facts as found by the jury.

6. That the Supreme Court shall have power to grant new trials, when necessary, for the ends of justice.

7. That in every district into which a province is subdivided, there shall be one court of inferior civil and criminal jurisdiction, called the District Court, which shall be presided over by a district magistrate, and shall have cognizance of all civil causes arising within its jurisdiction not exceeding 10 *l.* in amount, and of all criminal cases not punishable with more than six months' imprisonment, or fine not exceeding 10 *l.*, or flogging not exceeding 25 lashes.

8. That three judges of the Supreme Court, of whom the chief justice shall always be one, shall constitute a court of appeal, to be held at Colombo twice in each year, for hearing and deciding all appeals from the Supreme Court on questions of law.

Annexed is a comparative statement of expenditure under the present and proposed system, showing under the latter an annual saving to the colony of 6,743 *l.* 2 *s.*, even after making provision for an office greatly required, namely, that of a registrar of wills and deeds in each province.

It will be seen also that the schedule of expenditure under the proposed system provides for the establishment of courts at every place where there is one at present, though it appears to me that whenever a revision of the system takes place, several of the courts at inferior stations (such as at Madewelletenne, Awishawelle, and one or two others) might be abolished without serious public inconvenience, effecting thereby a further reduction in the judicial expenditure.

I have in this memorandum said nothing of the many and great advantages which it appears to me are likely to result from the measure, the adoption of which I have suggested. My views on these and other points connected with this important subject are fully expressed in the confidential report upon the judicial system in Ceylon, which I had the honour to lay before his Excellency the Governor last June. My reasons for having drawn up this short memorandum are, that the subject may be submitted to the council in a more condensed form than was possible in that report; and because, as a comparison will show, I have seen grounds for slightly altering a few particulars in some of the recommendations then made,—further observation having convinced me that a more extensive reform is requisite than I then thought indispensable.

I now beg to submit to his Excellency and the Council a draft of the proposed Ordinance, and if the measure meets with approval, I would suggest that it be printed and submitted confidentially to the judges of the Supreme Court for their opinion.

(signed) *H. C. Selby*, Acting Queen's Advocate.

Colombo, 20th May 1848.

(True Copies.)

W. D. Bernard.

Enclosure 7 in No. 2.

Encl. 7, in No. 2.

NOTES of EVIDENCE and MEMORANDA principally relating to the JUDICIAL SYSTEM, and to Mr. *Selby's* Proposals for its Amendment, before the Committee of the Executive Council.

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Mr. SELBY'S PLAN, as developed *vivâ voce*, 5th January 1849.

CEYLON.

Present :—The Hon. Sir J. Emerson Tennent, The Hon. F. J. Templer, The Hon. C. J. MacCarthy.

The Hon. Mr. Selby, Queen's Advocate.

Vivâ voce examination.

The Judicial Department.

MR. SELBY develops the outline of his proposed plan for an amended system of judicial administration.

Refers to two former papers upon the subject, dated

First. He would propose to give to the Supreme Court both original, civil and original criminal jurisdiction. At present the Supreme Court has only original criminal, and an appellate civil jurisdiction. But it must be apparent that a district judge who is competent to exercise original civil jurisdiction in all cases, even up to the highest amount that can come under dispute, must be likely to be a fit person to be intrusted with original criminal jurisdiction to a considerable extent.

Proposals.

Mr. Selby would, therefore, propose that the judges of the Supreme Court (whatever their number) should have original civil as well as original criminal jurisdiction; in like manner the judges or magistrates of the district courts should have and exercise original criminal as well as original civil jurisdiction. At present the police magistrates do, in fact, perform all the criminal business which is not done by the Supreme Court. Mr. Selby would propose that there should be four judges of the Supreme Court, including the Chief Justice. The latter should be constantly fixed at Colombo, and one of the other judges should constantly reside at each of the principal towns of Kandy, Galle and Jaffna, at which places, therefore, would be so many branches of the Supreme Court. By this means the circuits of the Supreme Court and the heavy attendant expenses would be got rid of, except in so far as regards the necessity for the Queen's Advocate or his deputy going occasionally to the principal towns in which there is a permanent Supreme Court. But Mr. Selby would at the same time propose that the provincial judges (or by whatever title the judges of the Supreme Court resident in the chief provincial town may be known) should occasionally, but at uncertain intervals, visit and hold a session at some of the outstations (or district courts) within their respective provinces or circuits, which, of course, would occasion some expense.

Now, supposing that there were in each of the principal four provinces a court of supreme original jurisdiction, both civil and criminal, each province or circuit should be divided into a certain number of districts. Thus he would divide the Western Province into the districts of Colombo, Negombo, Caltura, Ratnapoora, Chilaw and Calpentyne. In each of these districts there should be only one petty court of original civil and criminal jurisdiction. He would give these courts much about the same criminal jurisdiction as the present police courts possess, perhaps a little more extensive. Their civil jurisdiction should extend to all cases of debt, damages or landed titles up to 200 dollars, or 15*l*. These would include the great majority of cases both of land and of money which would be likely to arise.

Western Circuit into six Districts.

Sir A. Oliphant says he would give the Criminal Jurisdiction up to two years' imprisonment, with hard labour.

These district courts would stand in the place of all the present minor courts, including the courts of requests and the police courts. Each court should be presided over by an officer, to be called district magistrate, and in most cases, wherever there is an assistant Government agent stationed, he should also perform the duties of district magistrate. Mr. Selby would not wish to convert the Government agents into judicial officers, because they reside at the principal town, in which the judge of the Supreme Court also resides. There can be no necessity for investing the agent with any new functions, and there may be many objections to it.

Mr. Wodehouse holds the contrary opinion. He thinks that no assistant agent should be district magistrate. The former ought to be constantly moving about at certain seasons. The latter ought always to be stationary.

This, then, should be the whole civil and criminal jurisdiction for the island. He would have no other courts, except for appeals.

Appeal Courts.—For hearing these he would have a half-yearly sessions of the Supreme Appeal Court at Colombo, which should be composed of three judges of the Supreme Court, who should meet at Colombo for a short period for that express purpose.

The appeals should be only from the provincial courts upon questions of law, not as at present of fact also. By confining them to questions of law, they would be so reduced in number, by having been better tried in the first instance, that they might probably be disposed of in Colombo in two or three weeks.

At the same time each of the provincial judges of the Supreme Court should have an appellate jurisdiction, within certain limits within his own circuit; and here again there should be no appeal on questions of fact, but only of law.

He would not put the judges all of the Supreme Court precisely upon an equality, at least in point of emolument. The Chief Justice should be best paid, and there should be gradations of salary and prospects of promotion from one court to another.

By the proposed system, you would be able greatly to reduce the establishments. By concentrating the principal business in the chief towns, you would get a better and more respectable professional bar, and better proctors.

Wherever there are sufficiently competent professional men, there they do or ought to do the actual business of the suitors, for which they are paid; but which, instead of being now done by them, is in reality done by the clerk of the court.

At the Cape of Good Hope, for instance, every attorney does for himself the work which

CEYLON.

is here done by the clerks of the court. The registrar in that case merely sees that it is correct, and attaches his name to it. But here the proctors are paid for it, but don't do it. Here the Government do it.

The Government printing office issues printed forms to the courts, which is not done anywhere else.

If you have efficient body of professional men, you must insist upon their doing their proper work. But on the other hand, in district courts, where there is not an efficient bar, the Government must do justice to suitors by having a strong force of clerks to do it for them, instead of paid proctors.

With regard to Trincomalie, which he had omitted from his calculations of the necessity for having four judges, the distance from Jaffna is certainly great, but the amount of business done at Trincomalie is small. You might place an additional judge, with Supreme Court jurisdiction there. He need not of necessity be a professional man, though it would be preferable.

If you cannot do this, then the jurisdiction of the district court may be extended 50 l., and appeals would have to be carried to Jaffna, as they are at present; or else you might require the judge at Jaffna to go on circuit twice a year, and hold an appeal court at Jaffna. The institution of assessors has been found by experience to be totally inefficient.

Both in the Supreme Courts and in the District Courts, in their original jurisdiction, the judge or the presiding district magistrate should decide all the questions both of law and of fact. Mr. Selby has now abandoned his first idea of submitting all questions of fact in the first instance to a jury in civil cases. At the same time, if both parties or either of them choose to apply for a special jury to try the facts, it should be allowed; but the party applying, or both of them, should be required to deposit a moderate fee for the payment of the jurors, which should be made costs in the cause. With this exception, he would not have juries try civil cases.

Whenever a special jury should be allowed, it should consist either of seven or of nine, the majority of whom should decide upon the question of fact, each individual giving his opinion in open court.

It is evident that according to Mr. Selby's plan, all cases above 15 l. would have to be tried before the Supreme Court of the province. Now, as many of these would arise between parties residing at great distances from the provincial or circuit town, he would give power to the judge similar to that possessed by judges in England (if the pleadings are raised upon an issue of fact), to remit that fact for trial to the district court within whose jurisdiction it is laid. For instance, if a case were on trial in Colombo above 15 l., and the parties and their witnesses, resided at Ratnapoora, he would give power to the judge to remit the question of fact to the district magistrate of Ratnapoora.

He would give to the judge alone, and not to the parties in the cause, the power to remit the fact to a Court below for trial. For instance, upon a question of boundaries, it may be essential that the locality should be inspected, which could only be done by persons on the spot. He would allow no appeal upon questions of fact, back to the provincial court, from the appellant court in Colombo. The latter should be empowered merely to decide the law of the case.

But to obviate the possible hardship which might be the consequence, he would give power to the judge to order a new trial, such as by a recent Act is allowed in England.

He would further require the provincial judge of the Supreme Court to hold sessions occasionally and at uncertain periods, at some of the district courts within his circuit. It would dispose of cases on the spot, and he thinks that some of the professional people of the provincial town would accompany the provincial judge on his circuit.

Native Oaths.—The substitution of simple affirmation for the native forms of swearing has been found absolutely useless and worse. The total disregard of the obligation intended to be imposed by any form of affirmation, in place of calling upon them to bind their consciences according to their native forms and customs, is equivalent in fact to a denial of justice. It in reality compels the judge to perform the functions of a jury.

The judge often has to decide in his own mind upon the question of fact, where he has reason to disbelieve the evidence of the witnesses.

In superstitious and uncivilized communities you cannot dispense with the native forms of swearing: there is no other mode of binding the conscience. On the other hand, in civilized and Christian communities, the administration of oaths in any form is far less important. Mr. Selby adduces instances in which the efficacy of native forms of swearing has been clearly proved, and the inefficacy of simple affirmation equally so.

The Kandyans have frequently applied to the judge to compel the opposite party and his witnesses to be sworn according to their native forms, which he has no power to do.

It has been supposed that the administration of native oaths was abolished on account of the expense of paying priests and their attendants who were attached to the courts for the purpose of being always at hand to administer the native oaths. That certainly may have been one reason, but a little theoretical and missionary refinement was perhaps the principal one.

Mr. Selby thinks that a new division of the island for judicial purposes would be very advantageous, and would render expedient a new division of it for revenue purposes. The divisions ought to be identical for both revenue and judicial purposes. A new division is very much required at present for both. If Mr. Selby's proposed system were to be adopted, all the testamentary and matrimonial jurisdiction which at present resides

The Chief Justice appears to think that Mr. Selby's expectations of creating an efficient bar at the chief provincial towns are far too sanguine, and he doubts whether it would be likely that they would find it worth their while to accompany the judge on these minor circuits.

in the district courts would hereafter belong altogether to the Supreme Court. The registration of wills and deeds would be part of the duty of the registrar of the Supreme Court in each province.

CEYLON.

Tuesday, 9th January 1849.

Mr. Selby is inclined to think that divisions something like the following might be adopted with advantage:—

WESTERN CIRCUIT.

A Supreme Court and General Appellate Court.

Six District Courts, to be presided over by district magistrates as follows:—Colombo, Negombo, Caltura, Ratnapoora, Chilaw, and Calpentin.

Proposed salaries of the Judges of the Supreme Court.

Chief Justice.

Colombo - £. 2,500

Senior Puisne.

Kandy - £. 1,800
Galle - £. 1,200
Jaffna - £. 1,000
Trincomalie - £. 1,000

CENTRAL CIRCUIT.

One Supreme Court at Kandy, and six District Courts, viz., at—

Kandy,	Bintenne,
Kornegalle,	Nuwera Ellia,
Kaigalle,	Badulla.
Matele, or else	

SOUTHERN CIRCUIT.

One Supreme Court at Galle, and five District Courts, viz., at—

Galle,	Tangalle,
Ballepitty Modere,	Hambantotte.
Matura,	

NORTHERN CIRCUIT.

One Supreme Court at Jaffna, and six District Courts, viz., at—

Point Pedro,	Manaar,
Catys,	Newerakalawya.
Mulletivoie,	

The latter should be moved to some more central or convenient spot.

If it be considered indispensable to have a distinct Supreme Court at Trincomalie, it would also be necessary to have a district court which might be presided over by the assistant agent.

Batticaloa District Court:—

The assistant agent to be presiding magistrate.

There ought, probably, to be an assistant agent and district magistrate in Pamancadua or Tamsucadde.

Mr. Selby remarks, that some expense would be saved by the proposed plan, by obviating the necessity of bringing up witnesses from long distances, whose expenses are at present paid by Government. By extending the jurisdiction of the minor courts to 15*l.*, and including land cases, the business of the Supreme Court would be much diminished, and, as a matter of course, whenever cases are well conducted and well tried in the first instance, the frequency of appeals becomes very much reduced.

Of course some alterations in the Stamp Ordinance would be requisite, and many Ordinances would have to be repealed if the proposed system were adopted; new rules of court would have to be framed, &c.

Proctors for Prisoners.—These should be altogether abolished. Originally they were appointed as proctors for paupers. It was never intended that all prisoners should have a right to their services, whether they were paupers or not.

He would recommend that Government should cause it to be notified to all prisoners committed for trial before the Supreme Court, who might be too poor to be able to retain counsel for themselves (the discretion in the matter to rest with the fiscal), that the Government would be prepared to pay a retaining fee of one guinea to any counsel who should be prepared to undertake the prisoner's defence at the trial.

If any questions should be reserved by the judge for the appeal court, a reasonable fee should also be paid by Government to any counsel who might be assigned by the court for conducting the argument in the case.

Queen's Advocate.—The Queen's Advocate might be required, or should be expected to visit occasionally or periodically all stations where there is a Supreme Court. Of course at each of those places there must be a Deputy Queen's Advocate, and it is highly important that the Queen's Advocate should occasionally visit and supervise the business of all his deputies.

He does not think that the salary of the Queen's Advocate or of his deputy could be well reduced, for the business is very extensive, and has so much increased of late, that the law officers of the Crown cannot find time in this climate for any private practice, except of the most limited kind, such as an occasional opinion, or a consultation, for instance. But the Deputy Queen's Advocate for Colombo might be abolished, by which 400*l.* a year would be saved. In order to make proper provision for the due conduct of

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the civil business in court at Colombo, which is now done exclusively by that officer, it would be necessary for the Government to sanction the appointment of a proctor either by the Queen's Advocate or by the Government Agent, who should act as solicitor for the Crown, to be paid by his fees as in all other civil cases. By this means the Government would only have to pay when it happened to be defeated, which is very rarely the case. Mr. Selby would be responsible for the business being done without any expense to Government.

The deputies to the Queen's Advocate in other places would have to be retained.

Indeed, if a Supreme Court were formed at Trincomalie, a deputy would of necessity be appointed there; but 150 l. per annum would be salary enough, and he would require no establishment.

At present all the deputies have a clerk, who is also the interpreter.

Mr. Selby reads to the Committee a letter from Mr. Dyke, Government Agent of the Northern Province, in which he urges very strongly the necessity of retaining the Deputy Queen's Advocate.

He does not think their powers could be diminished, but ought rather to be increased. They are frequently very useful to the magistrates in giving advice. They are not only valuable advisers to the Government Agent in matters of difficulty, particularly where the rights of the Crown are involved, but they are also exponents of the views and measures of the Government to the people. They are or ought to be the agent's right arm, for the protection of the just rights of the Crown. Mr. Selby refers to the correspondence between the Government and the Queen's Advocate about the appointment of deputies.

Formerly the unpaid officers, who were employed by Government in civil suits, were worse than useless. Government at that time never got a judgment, whereas of late years they have never been defeated in a single case through any deficiency in the Queen's Advocate's department.

The business of the Queen's Advocate's department has increased very much indeed, so much so, that the correspondence between that and the Colonial Secretary's department alone has become trebled since 1834. The business connected with the preparation of the Ordinances and the passing them through the Council has also very much increased; and besides that, a great deal of time is taken up in attending the Executive Council, and studying the papers connected with the business to be brought before it.

Mr. Dyke speaks very highly of the services of the Deputy Queen's Advocate at Jaffna, Mr. Langslow. He finds him very useful, because he is a very good man.

The Chief Justice remarks that any system will work well, if you have good men to work it, no matter what the system is, and the Deputy Queen's Advocate must be a useful man to an agent, if he is really an efficient man.

No. 2.—STATEMENT of JUDICIAL EXPENDITURE under the proposed System.
Western Province (Colombo).

Supreme Court :								£.	s.	d.	£.	s.	d.
Chief Justice	-	-	-	-	-	-	-	2,500	-	-	3,675	-	-
Registrar	-	-	-	-	-	-	-	500	-	-			
Chief Clerk	-	-	-	-	-	-	-	150	-	-			
Second ditto	-	-	-	-	-	-	-	75	-	-			
Clerk of the Appeals	-	-	-	-	-	-	-	200	-	-			
Singhalese Interpreter	-	-	-	-	-	-	-	100	-	-			
Ditto - ditto	-	-	-	-	-	-	-	75	-	-			
Malabar - ditto	-	-	-	-	-	-	-	75	-	-			
District Court of Colombo :													
District Magistrate	-	-	-	-	-	-	-	600	-	-	1,610	-	-
Additional District Magistrate	-	-	-	-	-	-	-	400	-	-			
Secretary	-	-	-	-	-	-	-	100	-	-			
Clerk (Civil)	-	-	-	-	-	-	-	75	-	-			
Clerk (Criminal)	-	-	-	-	-	-	-	75	-	-			
Second Clerk (Criminal)	-	-	-	-	-	-	-	60	-	-			
Singhalese Interpreter	-	-	-	-	-	-	-	75	-	-			
Ditto - ditto	-	-	-	-	-	-	-	75	-	-			
Malabar - ditto	-	-	-	-	-	-	-	75	-	-			
Ditto - ditto	-	-	-	-	-	-	-	75	-	-			
District Court of Negombo :													
District Magistrate	-	-	-	-	-	-	-	400	-	-	640	-	-
Secretary	-	-	-	-	-	-	-	75	-	-			
Clerk (Civil)	-	-	-	-	-	-	-	50	-	-			
Clerk (Criminal)	-	-	-	-	-	-	-	40	-	-			
Interpreter	-	-	-	-	-	-	-	75	-	-			
District Court of Chilaw :													
District Magistrate	-	-	-	-	-	-	-	300	-	-	500	-	-
Secretary	-	-	-	-	-	-	-	75	-	-			
Clerk	-	-	-	-	-	-	-	50	-	-			
Interpreter	-	-	-	-	-	-	-	75	-	-			

No. 2.—Statement of Judicial Expenditure under the proposed System—continued.

<i>Western Province (Columbo)—continued.</i>						£.	s.	d.	£.	s.	d.
District Court of Caltura:											
The same Establishment as at Negombo - - - -						-	-	-	640	-	-
District Court of Ratnapoora:											
District Magistrate (the Assistant Agent), nil.											
Secretary - - - - -						75	-	-			
Clerk - - - - -						50	-	-			
Interpreter - - - - -						75	-	-			
									200	-	-
District Court of Calpentyne:											
The same Establishment as at Chilaw - - - -						-	-	-	500	-	-
									7,765	-	-
<i>Central Province (Kandy):</i>											
Supreme Court:											
Senior Puisne Justice - - - - -						1,500	-	-			
Registrar - - - - -						300	-	-			
Chief Clerk - - - - -						100	-	-			
Second ditto - - - - -						75	-	-			
Singhalese Interpreter - - - - -						75	-	-			
Malabar - ditto - - - - -						75	-	-			
									2,425	-	-
District Court of Kandy:											
District Magistrate - - - - -						500	-	-			
Secretary - - - - -						100	-	-			
Clerk (Civil) - - - - -						75	-	-			
Clerk (Criminal) - - - - -						50	-	-			
Interpreter - - - - -						75	-	-			
									800	-	-
District Court of Kornegalle:											
The same Establishment as at Negombo - - - -						-	-	-	640	-	-
District Court of Matelle (or Bintenne):											
The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
District Court of Kaigalle:											
The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
District Court of Nuweraellia:											
The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
District Court of Badulla:											
* The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
									12,130	-	-
<i>Southern Province (Galle):</i>											
Supreme Court:											
Second Puisne Justice - - - - -						1,200	-	-			
Registrar - - - - -						200	-	-			
Chief Clerk - - - - -						100	-	-			
Second Clerk - - - - -						75	-	-			
Interpreter - - - - -						75	-	-			
									1,650	-	-
District Court of Galle:											
The same Establishment as at Kandy - - - -						-	-	-	1,800	-	-
District Court of Ballepitty Modere:											
The same Establishment as at Chilaw - - - -						-	-	-	500	-	-
District Court of Matura:											
The same Establishment as at Negombo - - - -						-	-	-	640	-	-
District Court of Tangalle:											
The same Establishment as at Chilaw - - - -						-	-	-	500	-	-
District Court of Hambantotte:											
The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
									16,420	-	-
<i>Northern Province (Jaffna):</i>											
Supreme Court:											
Third Puisne Judge - - - - -						1,000	-	-			
Registrar - - - - -						150	-	-			
Chief Clerk - - - - -						75	-	-			
Second Clerk - - - - -						50	-	-			
Interpreter - - - - -						75	-	-			
									1,350	-	-
									(continued)		

* A new court to be formed in Newellapitiya, and the one at Gampolla to be abolished.

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No. 2.—Statement of Judicial Expenditure under the proposed System—*continued.*

<i>Northern Province (Jaffna)—continued.</i>						£.	s.	d.	£.	s.	d.
District Court of Jaffna:											
The same Establishment as at Negombo - - - -						-	-	-	640	-	-
District Court of Point Pedro											
The same Establishment as at Chilaw - - - -						-	-	-	500	-	-
District Court of Coyts:											
The same Establishment as at Chilaw - - - -						-	-	-	500	-	-
District Court of Mulletivoe:											
The same Establishment as at Chilaw - - - -						-	-	-	500	-	-
District Court of Manaar:											
The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
District Court of Nuwera Kalawya:											
The same Establishment as at Ratnapoora - - - -						-	-	-	200	-	-
<i>Eastern Province (Trincomalie):</i>									20,800	-	-
Supreme Court:											
Fourth Puisne Judge - - - - -						800	-	-			
Registrar - - - - -						100	-	-			
Clerk - - - - -						50	-	-			
Interpreter - - - - -						50	-	-			
									1,200	-	-
District Court of Trincomalie:											
District Magistrate (the Government Agent). -											
Secretary - - - - -						75	-	-			
									75	-	-
District Court of Battacaloe:											
Secretary - - - - -						75	-	-			
									75	-	-
									22,050	-	-
<i>Note.</i> —Allowing for the same Establishments in the Northern Province for the several Districts Courts as at Chilaw, a small reduction of expenditure may probably be effected by allowing a somewhat reduced salary to the Clerks; say 80 <i>l.</i> from each of the six Courts of Point Pedro, Chavagacherry, Cayts, Mulletivoe, Manaar and Nuwera Kalawya, making together a further saving of -									480	-	-
									21,570	-	-
To this sum must be added an allowance to be made to the Judges stationed at Kandy and Galle, attending the Appeal Court to be held twice a year at Columbo, say 100 <i>l.</i> each time for the two - - - - -									200	-	-
A small sum should also be added to cover the expense of sessions to be holden occasionally at distant stations, where there may be many criminal cases for trial; and for the cost of the Queen's Advocate visiting periodically the difficult stations - - - -									500	-	-
TOTAL Expenditure - - - - £.									22,270	-	-

COMPARATIVE STATEMENT of JUDICIAL EXPENDITURE under the present and proposed Systems.

	£.	s.	d.
Total Expenditure under the present system as shown by Statement No. 1 - -	37,508	2	-
Total Expenditure under the proposed system as shown by statement No. 2 - -	22,270	-	-
	£.	15,238	2 -
Additions,			
Judges of the Supreme Court - - - - -	500	-	-
District Court of Nawellapitya - - - - -	500	-	-
Additional expenses not produced for in the foregoing, such as native writers and process servers, &c. - - - - -	200	-	-
	£.	1,500	- -

RETURN of OFFICIAL LETTERS sent from the Queen's Advocate's Office to the Colonial Secretary,
from 1834 up to the end of 1847.

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Year.	Number of Letters.	Year.	Number of Letters.
1834	92	1842	192
1835	88	1843	213
1836	143	1844	237
1837	171	1845	180
1838	194	1846	240
1839	155	1847	275
1840	190	1848	236
1841	177		

RETURN showing the Number of ORDINANCES enacted in each Year, from 1834 to 1848, inclusive.

Year.	Number of Ordinances enacted.	Year.	Number of Ordinances enacted.
1834	8	1842	11
1835	7	1843	18
1836	8	1844	23
1837	5	1845	14
1838	2	1846	13
1839	4	1847	15
1840	17	1848	26
1841	10		

STATEMENT of JUDICIAL EXPENDITURE under the present System.

	£.	s.	d.
Supreme Court - - - - -	8,396	18	-
District Court, Colombo - - - - -	2,480	-	-
" Kandy - - - - -	1,729	-	-
" Kurnegalle - - - - -	1,003	-	-
" Badulla - - - - -	899	-	-
" Ratnapoora - - - - -	811	-	-
" Caltura - - - - -	862	-	-
" Galle - - - - -	1,464	-	-
" Matura - - - - -	989	-	-
" Tangalle - - - - -	800	-	-
" Chilaw - - - - -	755	-	-
" Manaar - - - - -	507	14	-
" Nuwerakalawya - - - - -	565	-	-
" Jaffna - - - - -	1,689	-	-
" Trincomalie - - - - -	1,288	10	-
" Batticaloa - - - - -	764	10	-
Court of Requests, Colombo - - - - -	882	-	-
Police Court - ditto - - - - -	920	-	-
Court of Request and Police Magistrate, Negombo - - - - -	450	-	-
" " Avishawelle - - - - -	450	-	-
" " Kandy - - - - -	1,174	-	-
" " Kaigalle - - - - -	475	-	-
" " Matelle - - - - -	775	-	-
Court of Requests and Police Court, Gambola - - - - -	465	-	-
Rickilligaskedde (already abolished) - - - - -	450	-	-
Nuwera Ellia (incorporated with the Assistant Agency) - - - - -	300	-	-
Madawalatenne - - - - -	465	-	-
Bentotte - - - - -	507	-	-
Galle - - - - -	573	-	-
Matura - - - - -	468	-	-
Hambantotte - - - - -	455	-	-
Calpenty - - - - -	415	10	-
Jaffna - - - - -	602	-	-
Point Pedro - - - - -	442	-	-
Court of Requests and Police Court, Chavagacherry - - - - -	422	-	-
" " Cayts - - - - -	402	-	-
" " Mulletivoa - - - - -	412	-	-
Annual expense of Circuits - - - - -	2,000	-	-
TOTAL present Expenditure - - - - -	37,508	2	-

CEYLON.

12th February 1849.

Present—Honourable Mr. Templer, Honourable Mr. MacCarthy.

SIR ANTHONY OLIPHANT, Chief Justice, examined.

THE real question appears almost to be, whether you want to arrange your judicial system for the real advantage of the natives for whom you wish to legislate, or whether you desire to trim your sails according to the prevailing prejudices and notions of England, and in conformity with European ideas?

The question is not exactly what would be best in itself, but what can be made to fit in with our institutions, such as they are, and with European notions, however wrongly advanced here. If Mr. Selby's system could be worked so cheaply as he thinks, doubtless it would be so far good.

The apparent economy of it is a recommendation, but is it a real economy?

Mr. Selby proposes that there shall be no appeal on fact; but Sir A. Oliphant thinks the natives must and will have the rights of appeal on matters of fact. There would be an outcry if it were taken away. The objections to Mr. Selby's proposals are, 1st. That an additional appeal court will be created; that is, the party who has a right on his side will be kept so much longer out of the enjoyment of that right. The additional opportunity naturally gives an additional disposition to appeal.

2d. The Circuit Judges, that is, the Supreme, will probably all be sent from England; they will be ignorant of the language, the customs, and the laws. Jaffna is particularly deserving of mention. He has tried to collect all the customs and laws of Jaffna, but has not nearly completed the understanding; they are very different from those of the other parts of the island.

3d. The provincial judges of the Supreme Courts would have few law-books to consult. They could not keep up an expensive collection of reports, each one for himself.

How is the judge to borrow books at those places? There cannot be a local bar worth anything out of Colombo.

The professional emoluments of any local bar would not be greater than at present, and particularly if the Colombo Academy should be discontinued or should become deteriorated.

Sir A. Oliphant speaks in the highest possible terms of the abilities and the general character of Mr. James Stewart, the Deputy Queen's Advocate.

Professional judges at provincial towns in this island are not likely to be content to sit day after day upon the trial of uninteresting cases, full of lies and false swearing.

With regard to Mr. Selby's proposed remission of facts for trial to the inferior courts, Sir A. Oliphant observes that you could not depend upon any jury in those out-of-the-way places; and in many cases you could not obtain a special jury at all. There would not be people enough of a proper class to form a trustworthy jury.

There are very great abuses of interpretation at present. The interpreters often wilfully pervert the truth, or give a wrong colouring to the evidence.

One Supreme Court Judge in Colombo could not by himself possibly do all the work; Mr. Selby originally proposed two. The judge would have the whole business of the present collective court, and then he would also have the appeals from all parts of the island to attend to; and four times a year the criminal work on circuit would fall to his lot.

Next, he would have all the civil business in original jurisdiction to do; above 15*l.* for the whole district.

The intestate and matrimonial work would likewise all fall upon the Supreme Court; but it could not possibly be done; it must of necessity fall into arrear. You could not fix a definite number of days for particular classes of business, and therefore some of it would inevitably be neglected.

It would be well to ascertain why there are never any appeals known from Mr. Henry Staples' court. What can be the reason.

Frequent appeals from Mr. J. J. Staples' court at Kandy, and strange business altogether. He has lately issued an order of his court contrary to the rules of the Supreme Court. Disinterested witnesses scarcely ever now appear in court; all are relations or connexions of the parties interested. It might be a question whether it would not be proper to summon conterminous proprietors as witnesses in land cases.

A registry of all landed properties is very much demanded, and a registry of all deeds existing at the date of the passing of an Ordinance to that effect would be extremely beneficial.

This is the best of all registrations, and of all conveyances, when once a complete registration has been obtained.

In this country the subdivisions of the land are so minute, particularly in the maritime provinces, that the fee simple itself would not pay for the cost of a minute survey.

If a registry of deeds existed, the civil suits, which are now so numerous, would be reduced one-half at least. You could not then have the mass of forged deeds which are brought forward now.

Yet you could not ascertain the actual rightful claimant of land in minute subdivisions.

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The value of the interest of individual claimants would not suffice to pay for the cost of ascertaining the right.

What Sir A. Oliphant would have recommended with regard to defining the boundaries of properties could not now be carried out. There are greater difficulties in the question than he at first apprehended.

All the Judges of first instance should be perfectly acquainted with the native language of the locality. It is better to have Judges who know the language well, and are not lawyers, than have good lawyers who know nothing of the language. He has no doubt of it, as regards Ceylon. Judicial Officers should not be transferred to Revenue offices, nor, *vice versâ*, should they change their districts from a Singhalese to a Tamil one.

Judges and Magistrates also should not be allowed to be absent from their district on leave, without giving due notice to the inhabitants of the whole district, nor without some one to do the duty during their absence.

Every Judicial Officer should, in his opinion, be required to serve first in the inferior grades of the profession, as Clerks to Courts, for instance, or in the Queen's Advocate's Office, &c., before being appointed to higher offices.

Something also should be done to enable a Judge at first to go and view the property in dispute on the spot, in difficult or important cases.

Mr. Cameron has practically done all the mischief. If it were possible to abolish the whole system it would be better. Here was a fine theory well developed, and the wise world approved and applauded it because they did not understand it—*Omne ignotum pro magnifico*.

Sir A. Oliphant is of opinion that the same Court which could administer justice efficiently in civil matters up to 15*l.* value, might properly also be intrusted with jurisdiction in criminal matters, up to two years' imprisonment. That would be quite enough to give them. There are many objections to the double system of appeal proposed by Mr. Selby. There are no new men for the Bench now training up in this colony; there is no supplementary feeding body.

If your Colombo Academy goes down, how are you to get educated natives at all? matters must become worse, and where are you to find those Magistrates who are to be content with the small pay proposed by Mr. Selby?

Mr. Stewart and Mr. Morgan never seem to show the want of more complete education in not having been bred in England.

The Roman-Dutch law not necessary to be retained as the law of the island; but you could hardly get rid of the unlimited right of inheritance, and of consequent subdivision of property. A person may be domiciled without becoming a permanent resident. The law of inheritance is the most difficult to alter.

With regard to the boundary fences, he would make the conterminous proprietor make half the fence, or pay half the cost. He would register the ownership of all lands.

An Ordinance was prepared by Sir A. Oliphant, to compel parties holding property in conacre to divide the land, or to sell it, or to make it compulsory that the one should be bought out by the others.

The Ordinance which was passed for regulating testamentary matters was very imperfect; it was made a mess of. As to a code of criminal law, sensible people do not require a code.

He would take the punishments of England. Take those laid down by Archibald, for instance. Yet it is hard to inflict the same degree of punishments for the same offences committed under different circumstances, and in a different country.

A single Judge of the Supreme Court at Jaffna might succeed if he were a clever, smart, active man; otherwise he would become a dull sot.

There is no public to watch him there, and no efficient bar or library to help him.

Is decidedly of opinion that the Judicial Department should be kept entirely distinct from the revenue and civil.

He approves entirely of the grinding system for the legal profession.

You must begin from the very bottom, even though it may be humiliating at first.

There must be a gradation of promotion, and some hope of advancement. You could not fix a man on 300 *l.* a-year in one spot; there are great advantages in changes, if not too frequently made.

But changes are expensive.

He does not object altogether to give original civil jurisdiction to the Judges of the Supreme Court; but then it pre-supposes great patience on their part, power of endurance, and of mental resistance.

He does not see any reason why Government Agents should not have judicial power given to them below two years' imprisonment. It would be very advantageous to be able to administer justice on the spot; perhaps justice would be best administered here by the most simple and summary process.

Itinerating Magistrates.—Approves of a few being appointed; undoubtedly the most effectual plan would be to carry justice to the people's doors; this should not interfere with or supersede the right of having a fixed place to go to for justice.

The natives would make great clamour at being deprived of the right of appeal in matters of fact.

Whatever system you have you must have some complaints against it. The best would be summary administration by good respectable Government servants. In many respects certainly that which is cheapest must be the best.

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But what is to become of the unfortunate Judges who are isolated and stationed at distant places? They must necessarily stagnate if Mr. Selby's plan were to be rigidly carried out.

In this climate a Judge residing in Colombo must go away sometimes; health requires relaxation. But if there were only one Judge, he could never go away at all.

He is quite certain that no local bar will be either created or improved by this new system.

Notaries.—You bring notarial business to every man's door now, but you also bring a troublesome person to every man's door.

Mortgages for 7s. 6d. are not uncommon, the cost of which is twice or three times greater in the end than the amount of money borrowed.

Forgeries are commonly done by these Notaries. Yet if you have very few Notaries, and only respectable ones, you cut off half of the mercantile business of the country.

You might certainly increase the jurisdiction of the Courts of Requests to a higher amount, and give them jurisdiction in land cases. He sees no objection to it in principle. It would, in fact, give them almost the same jurisdiction as the present District Courts. The rules of practice would be different.

It is wonderful how much time is consumed in hearing cases in this country: much of the delay is of no practical use, and yet it is inevitable. The difficulty of getting evidence from witnesses is very great, and the interpretation occasions great delay. This must be taken into account in estimating the quantity of business a Court can get through.

18th January 1849.

All present.

MR. STEWART, Deputy Queen's Advocate, Examined.

MR. STEWART was previously fully acquainted with Mr. Selby's plan, and perfectly coincided in its general principles.

He thinks the proposed plan a good one of remitting issues of fact from the original jurisdiction of the Supreme Court to the Local Court within the jurisdiction of which the cause of action arose, or where the witnesses reside.

This, however, assumes the supposition that the place is remote from the Supreme Court; but if it is convenient to the Court in Colombo to try both the law and the fact together, it would be better to do so undoubtedly.

He quite approves of the proposed distribution of the island into new circuits.

The mode of administering oaths according to the native practice might be restored with advantage. Our present system of simple affirmation is absolutely useless, and even worse: Buddhists and Mohammedans do not feel any obligation upon their consciences from mere affirmation. Great difficulty is experienced in endeavouring to maintain a prosecution for perjury in this country, because the witnesses are themselves as little to be depended upon as the parties accused. The moral influence of the native forms of administering oaths is comparatively great. The mere fear of punishment as a result of legal proceedings for perjury does not in the least degree deter people from giving false testimony.

He mentions many instances of witnesses evidently considering themselves under no apparent obligation from having given their simple affirmation.

The native forms of swearing were abolished partly perhaps on account of the expense, for you had to keep up Mohammedan and other priests at the public expense to administer the oaths.

He has known several cases in which Buddhists have called themselves Christians on purpose that they might be sworn upon the Bible, which they think frees them as Buddhists from all moral obligation to speak the truth.

Assessors.—The present system of having Assessors in the Courts is rather an impediment than a help to the administration of justice. He quite approves of the proposal, that if both parties agreed upon the subject they should have the power to demand a Special Jury of seven or nine, perhaps nine, it should be granted to them, the majority to decide.

As a general rule he would give the Judges power absolutely to decide upon the facts; but if both parties agreed to a Jury, then the Judge should be bound to allow it; but if only one party applied for a Jury, it should not be granted.

Trial by Jury in criminal cases has not been very satisfactory in this colony; but as it does already exist, he is not prepared to recommend its abolition: people are already by habit much attached to it. Where a matter before the Court is one of public discussion, the minds of the Jury are generally made up entirely beforehand; they do not, in many cases, regard in the least degree the evidence in Court.

He thinks it would be a great advantage, under the present Jury system, to make the Jury vote in open Court. There may be objections to this proposal, but it would obviate the influence which is at present exercised by some few of the Jurors over others.

He is prepared to recommend at once that the selection of the Jury list should be in the hands of the Fiscal, and not of the Government Agent; or, if in the hands of the latter, that the former should be consulted by him. From the Fiscal's connexion with the Court he would be likely to make a better selection. There is no property qualification

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for a juror at present. Few of those who are said to understand the English language really do so.

He is not prepared to recommend any departure from the principle of the present system, that is, from the principle of the Charter; but the mode of carrying it out is susceptible of improvement.

His reason for recommending that there shall be so many courts of original civil jurisdiction is, that without them great masses of the people would be debarred the legitimate opportunities of having justice duly administered to them.

Due opportunities should be given to the people at all times to have their disputes settled, for if they have not sufficient means of settling their quarrels by civil process they revenge themselves upon each other, and in this country serious crimes, assaults, robberies, and even murders, are the consequence. Hence, to give the new District Magistrate's Courts jurisdiction in land cases up to 15*l.* would be attended with advantage, as in general the value of the lands in dispute does not exceed that amount.

He does not think that justices of the peace here require to have more extended judicial powers, but they might have more complete authority to bind parties over in some instances to "good behaviour."

He would give more extended power to Police Courts than they at present possess in cases of cattle trespass.

The divisions of the island for judicial purposes suggested by Mr. Selby are quite sufficient for the territorial jurisdiction of the police magistrates.

With regard to appointing itinerating magistrates to move from place to place to administer justice on the spot in remote places, Mr. Stewart seems to be very doubtful if the system would be attended with adequate benefit.

The people ought at any rate to know for certain at all times where they can go to get justice. The respective police districts ought to be of limited extent.

It has been suggested that a tariff of fees should be drawn out and sanctioned for translating law documents for use in courts, and that all such documents should be examined and authenticated (if to be used in court) by a sworn translator.

At present the party who produces documents furnishes his own translation, which is in no way authenticated, and may be and often is wrong or falsified.

Remarks on Mr. Selby's Law Scheme by Mr. Wodehouse, dated 15th June 1848.

THE following may be taken as the principal features of the scheme proposed by the Acting Queen's Advocate:—

The island shall, for judicial purposes, be divided into five provinces;

In each of which there shall be only one Court of Supreme Original Jurisdiction;

In which the Judge shall try civil suits with a jury of nine;

Which jury shall be the absolute arbiters of matters of fact, leaving those of law to the Judge.

Each Supreme Court shall have power, on application made within six weeks, to order a new trial of a suit decided. There shall be District Magistrates, whose civil jurisdiction shall be limited to 10*l.*

There shall be appeal from the District to the Supreme Court, on certain grounds stated.

There shall be a Court of Appeal for the whole island at Colombo, for the correction of errors in law, to consist of three of the Judges of the Supreme Courts, the Chief Justice being always one. Appeals shall be only against final judgments or orders having such effect. I confess that I can entertain no hope that five Courts of Supreme Original Civil Jurisdiction will be in any degree equal to the demands of the colony. Not only is it doubtful whether they could get through the business at all, but the distance which the suitors, at any rate the witnesses, would frequently have to travel would be a cause of much hardship. The limits of the Western Province would extend 100 miles in one direction, 39 in another; those of the Northern, upwards of 100 in one direction and nearly as far in the other; those of the Southern, 33 miles in one direction and upwards of 100 in another. The other provinces would be similarly situated; and I doubt if the arrangement of them could be so changed as to work any material improvement in this respect.

Two provisions have been introduced into the scheme, with the apparent intention of overcoming these evils: one, the removal of the Courts to different places in the provinces; the other, the remission of causes by the Supreme Courts to the District Courts for the taking of the evidence.

As to the first, the frequent removal of the Courts would be both expensive and inconvenient, and it would tend to perpetuate the evil, which the Queen's Advocate most wishes to overcome, viz., the want of a respectable bar. As it is now very difficult to find qualified advocates to conduct cases in appeal before the Supreme Court on circuit, so it will be found that the majority of the provincial bar will not be induced to follow the Court away from the provincial capital.

The other remedy would, I fear, be anything but satisfactory to the people in its operation. It is true that the ultimate judgment in every suit is to be passed by the Judge of the Supreme Court; but the jury of nine men, who are to be empanelled by the District Magistrate, will, as I understand it, finally decide upon the facts, leaving the law only for the disposal of the Judge. It must be remembered, that the District Magistrates will be, many of them, very subordinate officers, and it will be difficult to satisfy the public that the evidence in any important and intricate suit will be by them sifted and placed before

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the jury so clearly and comprehensively as to enable them to form a conclusive opinion of the facts. If this practice were once introduced, I am satisfied that the taking of evidence by the Supreme Court would speedily become the exception, and the remission of that duty to the Courts below would be the rule.

There are two points for consideration with regard to the juries: the powers with which it is proposed to entrust them, and the additional burthen which will be imposed upon the population of the colony. It requires greater faith than I possess in the virtue and wisdom of ordinary juries for ordinary purposes to enable me to view without apprehension the proposal to place in their hands the absolute decision of matters of fact; and I cannot but think some provision should be made to meet cases in which they may differ altogether from the Judge, or in which their decision is given by a bare majority. If it be determined to vest this power in them, it is well worthy of consideration whether the Jury Ordinance will not require modification, with a view to establishing a higher standard of qualification. However this may be, there can be no question that the demand for nine jurors instead of three assessors for each case will press heavily upon the people. And if the standard were raised, and the public protected, as I have suggested, in cases of difference of opinion, possibly the present number or five might be found sufficient.

There will be little difference, apparently, between the proposed District Courts and the existing Courts of Requests, beyond the extension of their jurisdiction to 10*l.*, including land, and the admission of proctors.

With regard to appeals, apprehensions may well be entertained that the right to appeal is too much restricted, both in appeals from the Supreme Courts to the Court of Appeal, and from the District Courts to the Supreme Courts.

In the case of the former, appeal is only allowed against errors in law and final judgment and orders. It is true, provision is to be made for granting a new trial; but that power will be vested, as I understand, not in the Appeal Court, but in that before which the case was originally heard, and which may naturally be supposed to have a bias towards its previous decision. Would it not, therefore, be preferable to vest the power of ordering a new trial on other hands?

In the case of the District Courts, it should be remembered that the Magistrate sits alone, and is to be empowered to decide suits concerning landed property. Ought there not, therefore, to be a very free right of appeal?

I think the main proposal of the Queen's Advocate, that all the Judges of the Chief Court of Appeal should be also Judges of Courts of Original Civil Jurisdiction, a very good one; and certainly all the Judges of the Chief Court of Appeal should be also lawyers by profession. But it does not follow that the number of the Judges of Courts of Supreme Original Civil Jurisdiction should be reduced so much as he proposes, inasmuch as there appears to be no reason why seats on the Chief Court of Appeal should not be assigned to a portion only of those Judges.

I am afraid, indeed, that the Queen's Advocate is altogether too sanguine as to the extent to which the establishment and the expenditure can be reduced; for, among other things, I think it will be found impracticable for the Chief Justice, who is always to be one of the members of the Court of Appeal, to carry on the duties of the Supreme Court of the Western Province, but that an additional Judge will always be found necessary. It will be seen that these remarks apply to the proposed Courts in their civil jurisdiction only.

(signed) *P. E. Wodehouse.*

15 June 1848.

(True copy.)

(signed) *W. D. Bernard.*

19th February 1849.

Mr. GIBSON, Assistant Colonial Secretary, and formerly District Judge of Colombo,
Examined.

HE has read Mr. Selby's paper, and the notes of his subsequent examination.

Does not think that his general plan is adapted to the present state of the colony. Nevertheless, he agrees with him that the Supreme Court is not sufficiently occupied, and does not give, in its civil jurisdiction, that satisfaction which it ought to do.

He sees no objection to having a distinct branch of the Supreme Court, with one Judge having original civil and criminal jurisdiction, in each of the chief towns of Kandy, Jaffna, Galle and Colombo. But he thinks that one Judge could not possibly get through all the work which would be required, that is, he would be unable to do justice to his many duties in his appellate jurisdiction, and his civil and criminal and testamentary jurisdiction also.

The latter, in particular, is already very badly done, indeed not done at all; the duty is very extensive, and the accounts are never wound up.

It is altogether in a most unsatisfactory state.

Thinks that to compel all parties having cases above 15*l.* in value to come to the Provincial Court, or what might be called the Local Supreme Court, would be a great hardship upon the people, not merely on account of the distance they would have to travel, for it would happen frequently that parties would have to move from one district to another

another of which the customs are quite different. The litigating parties would find themselves altogether among strange people. It is supposed by some that cases above 15% or 20% would be very rare at out-stations, but Mr. Gibson does not quite agree in that. In the Badulla or Matura Districts cases above that amount are by no means uncommon. It would be a hardship to make the people come all the way to Kandy or to Galle to try these cases.

Testamentary cases in particular would most commonly be found to exceed that amount. In many parts at present there is perhaps very little testamentary business, but if you were to set on foot an improved system of administration, you must look forward to having a much more extensive and responsible testamentary business to do. He had heard it said that at the trials before the Supreme Court at Kandy arising out of the late disturbances, one of the great causes of complaint was represented to be the abolition of the District Court of Matelle. Now that is only 12 or 14 miles from Kandy. Their complaint was probably unreasonable, but if they complain at that distance, of course they would complain at 60 miles distance from a court having extensive jurisdiction.

He thinks that, of course, if District Courts were to be abolished, there must be less litigation, but that must be clearly at the sacrifice of the people's rights. They are generally ignorant of their legal rights. There is, in fact, great uncertainty respecting the nature of their rights, in the absence of title deeds, and owing to the extremely small subdivisions into which the land is cut up. Great confusion would necessarily result from the absence of the means of trying claims before a competent tribunal.

There can be no sufficient reason for employing Assessors in the Supreme Court in cases of appeal either as to fact or as to the law. Assessors in the District Courts, or in the original civil jurisdiction of the Supreme Court, might be retained with advantage; but the attempt to try the facts in the Inferior Courts (as proposed by Mr. Selby), by a jury of seven or nine, would not work well. A Special Jury might be granted on the application of both the litigating parties, as a matter of right, but only because it would be the wish of those interested. It would be useful to reserve to the Judge a power to order a new trial, if it appeared to him that substantial justice would not otherwise be done by the verdict before given.

It would be very distasteful to the natives to have the facts remitted for trial to a different Court from that which would try the law. They could not understand the same case being tried in two different Courts. They could not comprehend having two judgments upon a case, one of law and the other of fact, with an appeal upon the former to the Appellate Court. This applies of course to cases above 15%. Neither would they understand why there should be greater difficulty in getting a decision upon a case of higher amount than one lower.

Mr. Gibson had a good deal to do with the introduction of the system, but has not acted as a Judge under that system. He was a Judge under the Charter. He thinks, nevertheless, that the system, as it now exists, is an improvement upon the Charter. The Ordinances of 1843 and 1844, relative to District Courts and Assessors, have been useful in many respects. Courts of Requests were founded upon his recommendation in a great degree.

The great object of Mr. Selby appears to be to make the Supreme Court more useful; and by dividing it into branches, to distribute its advantages more evenly throughout the island.

He does not see any reason why his plan with regard to the Supreme Court might not be carried out. It would relieve the District Courts very much, and would possibly have the effect of improving the local bar. For his own part, he would recommend, in the first place, that there should be a Chief Justice resident in Colombo, who should have the general control or superintendence of the entire administration of justice. He should be the head of the whole department; he would have to preside in appeals of course; he would give no civil jurisdiction originally to the Chief Justice, but he might alternately with the Puisne Judges of Colombo and Kandy assist in criminal trials. He would not be required to take all the officers of this Court with him on circuit. If in each of the four principal towns there were a Puisne Judge, he should have original civil as well as original criminal jurisdiction without limitation.

But to enable the Judges to get through their work satisfactorily, he would limit the extent of territory or the district so called, within which their civil jurisdiction in all matters should be confined, say 10 to 15 miles, but it must vary according to circumstances. They should then sit with the Assessors as District Judges do now. They should have the same criminal jurisdiction as they have now when on circuit.

In the country districts, he would have District Courts as at present, and the same extent of jurisdiction in criminal cases, that is to say, 12 months' imprisonment and 50 lashes. He would only allow juries in trials before the Supreme Court.

The reason why the criminal cases in the District Courts are so few in number now, is that the Queen's Advocate not being represented in these Courts, there is no one to prosecute, unless the Queen's Advocate goes himself.

The Police Courts should be continued as they are now, without alteration, and Courts of Requests should also be continued, with increased jurisdiction, including land cases up to 15%. Although he should feel disposed to limit the territorial jurisdiction of the Judges of the Supreme Court, still in cases above 100% arising beyond that limit, where both parties made a proper application, they should have the privilege of having the case tried before the Supreme Court of the province.

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There would be appeals from the District Courts to the Provincial Courts, and a further appeal again from the latter to the Collective Court in Colombo, under certain limitations — just the same, in fact, as it is at present.

There should be an Appellate Court to sit in Colombo, when business requires it, not less than three or four times a year. There would be two Judges in Colombo constantly, so that only one more Judge would be required to come up from Galle or Kandy.

The Judges of the Supreme Court should be professional men, thoroughly educated as lawyers.

He would leave the Court of Requests and the Police Court in Colombo as it is at present; but, as suggested by Mr. Selby, the two duties should be conjoined, though done by two individuals, to be called Joint Commissioners of Requests and Police Magistrates.

As a rule, it would be better that the Assistant Agents should not have any judicial duties to perform; but there might be instances in which there would be no sufficient objection to the combination.

The general feeling of Government has latterly been to separate the two departments; but formerly the Agents had more to do with roads, &c., than they have now.

The Supreme Court, as at present constituted, does not give satisfaction. The complaints are very numerous and strong against the expensiveness of the administration of justice. Allusion is made to an illegal order lately made by the District Judge of Kandy, requiring that every case should be undertaken by a Proctor; but the Supreme Court cannot interfere until the question is judicially brought before it, the expense of doing which would be far too great.

To improve the bar at present, some restraint should be put upon the mode in which practitioners are admitted. There ought to be a most rigid inquiry into the character and connexions of every applicant. He thinks that a criminal code would be not only very advantageous, but that it has become absolutely necessary.

The inequalities of punishment are now very striking, and very prejudicial in their effects upon the minds of the people.

He would keep the Proctors just as now, out of the Courts of Requests and Police Courts; but he would allow Proctors to practise in the District Courts.

20th February 1849.

Present:—Hon. Mr. Templer. Hon. Mr. MacCarthy.

Mr. MORGAN, an Advocate, Examined.

DOES not think the system proposed by Mr. Selby for the future administration of justice would be practicable. Many preliminary steps have to be taken in preparing a case, and these must be done in one of two ways; either they must be done in the Provincial Court, which would occasion great expense and much travelling to and fro, the objections to which are numerous; or else, the papers would have to be prepared in the minor District Courts, in which, nevertheless, the case would not be brought to trial. With reference to the 15*l.* jurisdiction, he thinks, from experience, that the majority of cases are above 15*l.* already; at any rate, those tried in Colombo.

The expense of remitting the facts of the case for trial to a different court from that before which the question of law is to be tried, independently of the unsatisfactory appearance of it to the natives, would be very burthensome; in fact, double professional assistance would be required.

So many cases arise in which both fact and law are mixed up together, that they become inseparable; such as cases of fraud, for instance, &c.

The double mode of conducting a case would lead to much misconception. Another objection would be, that the expense of a new trial, if it were granted, would be very great. Special Juries, he thinks, would hardly work well in civil cases.

The present state of society is not fitted for juries of any kind in civil cases. There is always a pre-conceived feeling either on one side or the other. He agrees in opinion with Mr. Wodehouse, that the remission of the facts for trial to the inferior Courts would become the rule and not the exception. It would be an easy mode of getting rid of the trouble of the case for the Judge of the Provincial Court, if the Supreme Court were now to act up to the strict letter of the Charter, with respect to appeals in matters of fact, and were to do what they are required to do by the 48th clause of the Charter, as regards questions of law, viz., to review the proceedings of the District Courts when on circuit.

Many of the good results hoped for from Mr. Selby's proposals would be obtained without them. Misapprehensions of the law may, in fact, be reviewed under the Charter, as well as of fact. He objects altogether to the proposed new system.

1st. As creating confusion and conflict of jurisdiction. A party may bring a case, as of 15*l.*, which may ultimately turn out to be one of 30*l.*, in the hope of saving the stamps. Now, the Court simply raises the class of the case, and orders proper stamps to be paid; but under the new system it would have to dismiss the case.

2d. The system would be unintelligible to the natives.

3d. The

3d. The expense would be much greater to suitors, and the delay also, in consequence of having the facts remitted for trial to a different Court.

He admits that there are supposed advantages attached to Mr. Selby's plan, such as giving original civil jurisdiction to the Supreme Court; but there are disadvantages which more than counterbalance the advantages.

He thinks that the benefits, whatever they may be, can be secured in a less objectionable manner.

Does not think it would work well to have a Superior Court Judge at Jaffna. It would be too much to make one man Judge of both Courts, namely, Provincial Court and Supreme Court. He might almost, in fact, have to hear appeals on cases tried by himself.

Upon the whole, Mr. Morgan is decidedly of opinion that the present system, that is, the system of the Charter, if it were well worked out, is better than Mr. Selby's.

It would be better, if possible, to keep the revenue and judicial departments of the service separate altogether.

But he thinks there is no objection to combine Police Courts, Courts of Requests, and District Courts together; none whatever.

The natives at present suppose there is really some connexion between the judicial functions and those of the departments of Government, in a stricter sense, which does not really exist. They would imbibe that feeling much more strongly if the revenue and judicial duties were really united.

Police Magistrates.—Petty police cases are the most frequent. The natives are most concerned in them. He thinks that the Government Agents, if they had any functions of a judicial nature at all, ought rather to have the higher than the lower functions; he objects to giving them mere police functions, and, in fact, to intrusting them with any judicial functions whatever.

Reductions.—He thinks that if it were compulsory, that all appeals should be heard in Colombo; except in cases where fresh evidence were required, it would tend to reduce the expenses of the Court.

He objects to making the Secretaries to Judges Deputy Registrars also. He greatly objects to this proposal.

The Secretaries are the Judges' own officers, and are removable by them.

They are perfectly useless. The Deputy Registrars are permanent officers, and could easily do all the work. A clerk to the Judge is equally unnecessary. A Registrar must be permanently attached to the Court. A Judge on circuit requires the aid of his Deputy Registrar even more than he does in Colombo.

The salaries of the Registrars might be reduced, or else more work should be given to them.

The testamentary and bankruptcy business in the present District Courts is very defectively performed. All the property, in fact, is swallowed up before a minor comes of age.

The Chief Registrar might perform all the business of Master in Equity, and might be called "Master in Equity and Chief Registrar."

He should have all the Loan Board business of the Courts to transact; at least he should be a responsible party.

The Proctors for prisoners might be dispensed with.

The Private Secretaries to the Judges may certainly be reduced.

The District Court, which sits every day, has only two Singhalese Interpreters, and yet the Supreme Court has two Singhalese and one Malabar; one of these may be dispensed with.

Two Court Serjeants are quite unnecessary.

The Sword Bearer and the Mace Bearer are quite useless.

One Peon is quite enough for each Judge.

Four Peons are quite enough for the Supreme Court, and two of them may act as Court Serjeants.

The Aratchies and Peons going on circuit get Batta, &c.; all these occasion additional expense, and they are of no use.

The Interpreters need not travel with the Judges at all. The Interpreter of the District Court of the place, where the Court sits, could do the work.

The Deputy Queen's Advocate's Office at Colombo might be abolished.

The District Court Establishment is far too large.

One Secretary and four Clerks would probably be enough.

Either one Interpreter or two native Process Translators can be given up.

Probably it would be best to keep two Interpreters, and make them translate the processes.

If the rules for the Courts of Requests were to be altered, so that judgment might be given by default, as in the District Court, the business of those Courts would be very much diminished.

Two Courts in Colombo might very well do the whole of the business at present done by the District Court—the Court of Requests and the Police Court here.

Appeals from the Court of Requests are very rare, owing to a rule of the Supreme Court, which requires the grounds of the appeal to be formally and explicitly stated upon the petition of appeal. But as legal practitioners are not employed in these Courts, and the suitors have no means of stating the grounds formally and explicitly, this cannot often be done, neither can a legal practitioner have access to the records of the Court.

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He would suggest that this rule of Court should be altered. The Courts of Requests and Police Courts are, by the operation of this rule, virtually irresponsible.

Formerly there was a formal monthly return sent to the Queen's Advocate, by all the Police Magistrates, of all cases tried by them, and the decisions upon them, together with their diaries; but since the Charter, this wholesome practice has been discontinued.

He would suggest the revival of the old practice. It was found very advantageous, and was a great check upon Magistrates.

He is clearly of opinion that the judicial should be separated from the revenue branches, if possible, in all cases.

The district benches of Colombo, Kandy, and Galle, should be filled by professional men. The business is often difficult and complicated.

There were formerly 28 District Courts in the island, and the expense in 1833 only amounted to 20,356 *l.*; at present, the Courts cost 27,640 *l.*, and the system is by far less efficient now than it was then. In many places where at present there is a Court of Requests and Police Court, it might be converted into a District Court without any additional expense.

Formerly 2,000 *l.* were spent in the Colombo Court, south, which would be saved now.

The Justice of Peace work of the Police Magistrate of Colombo might be done very well by the Superintendent of Police; this would relieve the Police Court very much.

In Kandy, Galle, and Matua, the District Judge can do the business of the Courts of Requests. At Kandy a Police Court would be necessary.

At Negombo and Point Pedro, and generally wherever there is a Court of Requests and a Police Court at an inconvenient distance from a District Court (which must vary according to the state of the roads, &c.), the one Court should be raised to the rank of a District Court.

As a general remark, he observes, that the more we try to go back to the old system of Mr. Cameron the better it will be for the colony.

Some improvements may be made in the Rules of Practice, but the principles of the Charter are good.

If there were more District Courts there would not be occasion for having itinerating magistrates, as has been suggested by some persons.

The people ought always to know where and when they can go and seek justice.

24th February 1849.

Mr. H. STAPLES, Commissioner of Requests of Colombo, Examined.

Mr. SELBY's plan is in many respects, in Mr. Staples' opinion, not quite feasible. In the first place, as regards the separation of the Judges of the Supreme Court, or, in fact, dividing the Supreme Court into branches, no one single Judge could do the civil and criminal duty conjoined; his mental powers, as well as his physical strength, would fail. One great cause of the mal-administration of justice here has been the limitation of the Bench in the principal District Courts to a single Judge.

Arrears have always accrued, not only under the present system, but also under that which preceded it, at a time when the Supreme Court was able to relieve the Provincial Courts a good deal by exercising original jurisdiction in civil matters. The Judges of the Supreme Court have not generally done the work very efficiently. Judges coming from England cannot know the manners, customs, and languages of Ceylon until many years have elapsed.

It is very important that Judges should be possessed of much local experience and extensive acquaintance with the people. From want of a knowledge of the language, the Judges of the Supreme Court, taking their opinions of the evidence from what the Interpreters say, impress their own views of it upon the Jury, who, being weak men, perhaps re-echo the opinions of the Judge thus formed, instead of judging for themselves of the value of the evidence.

Interpretation must nevertheless be employed, even where the Judge knows the language thoroughly. It is necessary even for the Proctors and Counsel. The interpretation is not of very great value unless the Judge himself understands the language well; understanding it and speaking it fluently are different things.

His next objection relates to the remission of the facts for trial to the District Courts. The Judges of these Courts ought, therefore, to have equal attainments with the Judge of the Provincial Court, or nearly so. Appeals on law are sometimes indispensable, but not on fact. He thinks there never ought to be an appeal on fact, and he also thinks that new trials should be discouraged, owing to the facility with which the natives can get up false testimony. An appeal only ought to be allowed in some very particular case, and upon points which had not before been tried.

The natives don't know anything about law; they don't understand the grounds upon which some evidence is rejected and other evidence is received.

They hardly ever appeal, except at the instigation of their Proctors. He has no Proctors in his Courts of Requests, and rarely has any appeal from his decisions.

The natives perfectly understand when their cases are being carefully tried. They are very quick and observant in finding out the character of the Judge, and the degree of pains he bestows upon their case.

Is of opinion that the system of Assessors is objectionable; it is distasteful to the natives;

natives; they find it a burthen, without any corresponding benefit. They are perfectly useless. They never differ from the judge. They are generally very ignorant, and take no interest in what is going on. They have to sit in the district court, even when no cause is being tried; there they sit, even when motions are going on and arguments are being conducted with which they have nothing to do; and the judges are, after all, not obliged to follow their opinion in any respect whatever. He agrees with Mr. Selby that in civil cases, where both parties desire to have a jury to try the facts, he would permit it, on the same terms as proposed by Mr. Selby.

If the parties choose to have the fact tried by a jury, why should they not? There may be, and are, objections to it in this country; and for his own part he would prefer that a case should be tried by two judges rather than by any number of assessors or jurors.

He thinks that, according to Mr. Selby's plan, the general administration of justice would suffer, and that the diminished expense would not compensate for the disadvantages inseparable from it.

The appellate jurisdiction of the Supreme Court is the least important part of its functions; here, on the contrary, it is made one of the principal portions of the administration of justice.

He thinks no good purpose could be answered by adding a fourth judge to the Supreme Court; he would rather abolish it altogether.

It has, in fact, done great harm to the administration of justice. Great mischief has been done by the number of interlocutory appeals.

The intention of the Charter has been a good deal misunderstood. He would have one chief justice, or a kind of administrator of justice, as supervisor of all the courts of the island, but he would get rid of the Supreme Court as an appellate court altogether. He would have an appellate court composed of practical experienced district judges. He would give the fullest criminal jurisdiction—even capital punishment—to the district courts; and when appeals were necessary in civil cases, he would require them to be heard before an appellate court composed of district judges.

He agrees that if the natives are deprived of opportunities of litigating, they will make frequent opportunities for fighting; but he would not on that account give so many opportunities for appealing.

If the natives must have appeals, they should pay for them themselves, and not occasion expense to Government. There is very little necessity for the circuits of the Supreme Court. Their criminal business is very small.

He has quite made up his mind that the Queen's Advocate should not be a member of the Government, or rather of the Executive Council. He might be called in and consulted when necessary; but as an actual member of the Executive Council, it might even become his duty to advise the Governor as to the dismissal of a judge.

It is quite possible the Queen's Advocate might some time or other have some personal feeling against a particular judge, whether of the district bench or of the Supreme Court. He ought not, therefore, among other reasons, have the power of recommending or having a voice in the removal of that judge.

At present there is much confusion with regard to some of the Ordinances; they are obscure. The institution of courts of request was quite unnecessary. Separate courts require distinct establishments, when, in point of fact, all the work could be done in the district court, and with great advantage, even in minor cases.

Two judges on the Colombo Bench could do the whole of the work now done by the three courts, except as regards the appellate jurisdiction. Mr. Staples would revert a good deal to the system which existed before the Charter. He thinks the natives require more district courts. It matters little what name you give the courts; the whole thing depends on the extent of jurisdiction which they exercise.

He will put in a paper on a proposed system of his own, showing considerable reductions.

Memorandum for the Committee of Inquiry.

The appointment of a fourth judge to the Supreme Court; such court to exercise original civil and criminal jurisdiction, one judge presiding in each province, and three of the four judges meeting half-yearly at Colombo to exercise appellate jurisdiction over the minor courts of all the provinces. First proposal of Mr. Selby.

Objections.

Even in theory, such a plan does not appear feasible to any one possessing ordinary experience in such matters. But to give it practical operation is clearly impossible. The objections are manifold. Mr. Staples' objections.

1st. Why the addition of a fourth judge to the Supreme Court should be proposed is not clear, except that the class of persons usually appointed to that court, from their supposed legal attainments and general efficiency, is considered as the best fitted for the exercise of original as well as of appellate jurisdiction. It is, however, notorious that, with their supposed advantages, a newly-appointed judge to that court has nevertheless been even at fault for some time in the due discharge of his duties, from his utter ignorance of everything around him; and of late years, from their being unpractised at the bar, even the ordinary details of professional business have been new to them.

It will readily be conceived that formerly, when the Supreme Court exercised original civil

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civil jurisdiction (but not appellate), the salaries of the judges being high, and the retiring pensions being very handsome, men of legal ability, of practical experience, and long standing at the bar, were appointed.

But it would not be worth while for such to accept the office now. They had nothing to learn but the habits of the people and the customs of the country. Our recent judges have had almost everything to learn after their advancement to the Bench. It is clearly not the nominal barrister or advocate that is wanted to preside in any of the superior courts of original jurisdiction in this or any other country. It is he who has devoted his time and talents to the acquirement of general and local laws, and is well practised in all the details of legal procedure, and having been already sufficiently long in the country to have made himself thoroughly acquainted with the customs, habits, and pursuits of the people, with a sufficient knowledge of their languages—by these means possessing the confidence of all classes—can enter on his career as a judge with satisfaction to himself, to the public, and to the Government who shall have appointed him; and it is thus alone that the administration of justice will be respected.

2d. As before remarked, whatever may be his mental and physical capabilities, it is not within the bounds of possibility for any one man efficiently to discharge the duties that would devolve upon him under the plan proposed.

A district judge of a principal station, even under the present system, is unable, with ordinary regard to his health, to discharge the multifarious duties that fall under the general definition of "civil jurisdiction."

They involve one continued course of harassing labour, with little or no relief, from year's end to year's end.

But if to these be added a wider extent of local, and, of consequence, an increase of personal jurisdiction, and again an original criminal jurisdiction, to the extent now exercised separately by each judge of the Supreme Court, the plan appears too preposterous to dwell upon for a moment.

3d. But, in addition to all this, each of the judges of the principal stations or provinces is required to be at Colombo half-yearly, to perform his appellate functions, and to dispose of all pending appeals from all their minor courts, and I presume for the disposal of all reserved questions of law bearing reference to matters pending before each of themselves in their original jurisdiction. To peruse each and all of the papers of their appeals, to prepare the law, and to dispose of them, will require more or less of time and labour, and much of this time will necessarily be occupied in hearing counsel and in consultations amongst themselves. During all this time the courts of original jurisdiction in three of the principal, most populous, and trading provinces, must necessarily be closed! Need I say more on this head? Each of the judges coming to Colombo half-yearly will of course require their expenses to be paid.

Jurors.—Whether jurors would be of service in civil causes?

Generally I think not. It would, if advisable, depend much on the selection, or the parties composing them as a body. Under any circumstances, taking into account their being called upon to sit in criminal cases, and at coroner's inquests, it would interfere very materially with the necessary daily avocations of the people. The decision of an experienced judge on matters of fact must have far greater weight than the casual or limited experience of a few men who, for the most part, have no opinion of their own.

The decision of the former is much more to be trusted for other reasons also.

At the same time, when intelligent and trustworthy persons are obtainable, and the parties are both willing to abide by their verdict on the facts arising for adjudication in the cause, I fancy there can be no objection to such a course.

The compelling parties to abide by their verdict is, however, objectionable.

The existing system of having assessors associated with the judge is clearly absurd.

Trial of an Issue
under.

"Proposal of trying an Issue of Fact by a Minor Court under an order from the Central or Provincial Supreme Court."

This is clearly objectionable, for the following among other reasons:—

1. There will be no saving of expense to the parties. For in all cases when counsel are engaged, they (the parties) would in every instance require the latter, or if that be impossible, other counsel in their stead, to attend at the out-court, to assist in the trial of such issue. This would, perhaps, be a greater expense than the attendance of the witnesses at the higher court.

2. The judge of the minor court must necessarily be as experienced and practical a lawyer as the judge of the higher court, so as to decide on the legality or illegality of the evidence tendered, and on the different objections to evidence that will be always arising. He will also have to decide upon the relevancy or irrelevancy of the evidence, with reference to the matters pending in the cause before the principal court, and must give his final opinion as to the truth or falsity of the evidence laid before him, as the higher court cannot possibly judge of this.

Now, as evidence is the great essential quality of almost every law-suit (except when only a question of law is involved in it); and as by evidence is implied legal evidence, and none other, it naturally occurs that a person called upon to try an issue of fact for a court of law or equity must possess, or is expected to possess, the same practical experience as a judge of such court. If so, the minor courts must in like manner be filled by such a class of persons, and yet, if I be correct in my information, it is proposed that the supreme or provincial courts should be alone filled by practically professional men; the others to have

have but small salaries, not possessing the same qualifications and jurisdiction, consequently more limited. And yet nothing shows the practical and ready lawyer so well as his prompt decision on questions of evidence; and all these must be decided by him who is commissioned to try the issue, otherwise a law-suit would be interminable.

3. As there would in all probability be no intelligent, trustworthy, local bar at the out-stations, the getting up of evidence would fall into the hands of those pettyfogging village lawyers, who swarm there more than in almost any other country. These possess sufficient means already to collect false evidence; but then the facility would increase in a two-fold ratio, and without any adequate check to the mischief that would follow.

New Trials.—The latter part of the observations on the preceding head would fitly apply to this.

A party has only to fail in the proof of his facts in his first case to be the better supplied with a *quantum sufficit* in the second.

Or, 2d, to supply with false evidence the place of the true evidence which he had before.

24th February 1849.

Honourable Mr. MacCarthy.

Mr. *Lavalliere*, Acting District Judge of *Colombo*, examined.

As regards Mr. Selby's proposal for separating the judges of the Supreme Court. Mr. *Lavalliere* does not think that English lawyers of sufficient standing and experience to fill properly the office of judge of the Supreme Court could be obtained for the salaries likely to be offered. Another objection to the arrangement would be, that if they did accept the office, their want of knowledge and experience of the country, and particularly of the language, would stand much in the way of a judge of the Supreme Court sitting constantly by himself in original civil jurisdiction. He thinks that men who have had experience in the colony are best adapted to exercise original civil jurisdiction, as is at present the case in the district courts.

The delay and inconvenience of remitting cases backwards and forwards between the provincial courts and the minor district magistrates' courts, where the facts would frequently have to be tried, would be a great objection to the working of the system proposed by Mr. Selby. The effect of it would be, that the remission of the facts for trial from the supreme to the magistrates' court would become the rule, and the trial of facts by the Supreme Court the exception. The latter would save itself trouble, and the labour would be thrown upon the least responsible and worst paid officers.

At the out-stations the majority of cases, he thinks, would prove to be under 15 £, so that you would take away from the present district courts a portion of their present jurisdiction, and, in fact, would transfer the remaining portion of it to officers of inferior standing and inferior pay, such as the present police magistrates and commissioners of requests.

He thinks that the judges of the Supreme Court at present have not sufficient work. They could do a great deal more.

They only sit one day in the week to hear appeals, and there are complaints that there are not sufficient facilities given to suitors before the Supreme Court.

He would not give original civil jurisdiction to the Supreme Court; but their appellate business and their general review of the proceedings of the minor courts ought to be carried to a greater extent.

The terms of the Charter are not really acted up to by the Supreme Court; in one respect in particular, it is very rare—indeed it is almost unknown—now that the Supreme Court thinks proper to hear evidence; the cases are constantly sent back to the district court for further evidence. The Charter requires them to hear new evidence at all events.

If the present district courts can be intrusted with such high civil jurisdictions as they now are, they might be intrusted with much higher criminal jurisdiction. He would give them full criminal jurisdiction, except for murder or capital crimes.

He would give jurisdiction in land cases to all the courts of requests up to 10 £, and with respect to personal property, debts, &c., up to 15 £ or 20 £.

The sitting magistrates' courts previous to 1833 had much larger jurisdiction than the present courts of requests.

He thinks it very desirable that proctors should be excluded from practising in any of the minor courts. And the assessors may be got rid of also: by continuing the courts of requests with enlarged jurisdiction, instead of establishing new district courts, this object would be effected. The abolition of district courts in many places did not get rid of the causes or grounds of dispute in the slightest degree. The natives must have opportunities afforded them of settling their land disputes; but by giving jurisdiction in land cases, up to 10 £, to the court of requests, this object would be gained. Of course these minor Courts would not have testamentary or matrimonial jurisdiction.

The testamentary jurisdiction would be provided for in the five district or provincial courts as formerly. It is very badly done now; but an additional clerk in each court, for that special duty, would help the business very much.

He objects altogether to the introduction of juries of any kind in civil cases.

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As regards assessors, he can perceive no utility in retaining them.

The chief objections to employing assessors are, that the natives regard the duty of assessors as a great tax upon their time for which they are not paid. They take no interest whatever in the case before them, except perhaps from some interested motive; and then they are disposed to go against the judge, whether right or wrong.

Mr. Lavelliere can discover no counterbalancing advantage whatever to compensate for the inconvenience and uselessness of assessors.

Deputy Queen's Advocates in the provinces are not necessary. The Crown cases might be conducted, both criminal and civil, before both courts by paid proctors. The appointments of the Deputy Queen's Advocates originated in Mr. Langslow's objections to entertaining any cases not brought into court by the Queen's Advocates.

Since that period the District Court Ordinance allows any case to be heard which is brought before it signed by the Secretary.

26th February 1849.

Mr. John Staples, District Judge of Kandy, examined.

HAVING explained to Mr. Staples the great points of Mr. Selby's scheme, his first objection is, to the giving an appellate jurisdiction to a court having also an original civil jurisdiction. To bring a Supreme Court judge from Kandy to Colombo for an appellate court would be to leave the whole province without a judge for a certain time. The want of a resident judge is in itself a great evil for the time he is absent.

He has a great objection to sending the issue of fact to be tried by a different court from that before which the law is to be adjudicated. It would occasion more perjury than now. The great objection of Mr. Jeremie to the little minor district courts was, that the evidence could never be relied on; the proctors were of the lowest grade in them; and if they did not act in court, they pulled the strings behind the screen.

There is far too much stress laid at present upon the assumed necessity for carrying justice to people's doors. This notion is not natural to them, it has been put into their heads; they think nothing of going to a distance to attend court, &c.

Oral evidence is here the most important and most difficult part of every case; titles to land here often rest upon oral evidence; no documents, or at least few to be depended on. Hence it would be objectionable to send the facts for trial to the little minor courts.

Mr. Staples thinks that there ought to be one court of appellate jurisdiction only. It might be composed of one judge of the Supreme Court and two Government officers, according to the old system. They should sit and hear appeals both civil and criminal in matters of law.

The court should have the auditing of all testamentary accounts, for which purpose the appointment of an officer to do the duty of Master in equity would be necessary.

All matrimonial jurisdiction would reside in the principal courts of the province.

The issue of writ of mandamus he thinks is inherent in the present district courts.

The only possible check upon perjury here, rife as it is everywhere, is the presence of a public, and, perhaps, with assessors. All the experience he has had among the natives tends to convince him that the native forms of swearing are positively more binding upon their conscience than the simple affirmation.

The principal courts in the island ought to be presided over by local professional people. He thinks they should be selected from the local bar. The bar would become more respectable; it would raise it very much. But to bring professional men from England as judges of the Supreme Court, to sit alone in any provincial court, would fail entirely. An English lawyer could not possibly learn the local customs, laws, &c., which differ so much in one part of an island from the other.

As to the abolished district courts, he thinks that at the time they were abolished it was considered a boon; not that the natives doubted the integrity or capability of the judge, but they doubted the integrity of the witnesses. If they were restored now, things would revert to the same point.

A mistake to suppose that the natives object to go long distances to carry on their land cases. Disputes about land are the life of their existence.

He does not think that at present there is any want of proper means of litigating. He thinks the natives understand the value of having the administration of justice concentrated as it were in the principal towns.

Is upon the whole opposed to giving facilities for appeals, even upon matters of law, but would not allow any appeal upon matters of fact.

The abolition of the former appeal court took place in consequence of collisions with the Governor, who himself sat upon that court. But, excluding the Governor, he thinks the former appeal court was better than the present one.

The Deputy Queen's Advocates could be abolished without difficulty.

Great advantage would result from making Government agents institute Government suits themselves, in their own name, and employ their own counsel in the cause.

It would be much better than to look always to the Queen's Advocate.

He thinks that the present courts of requests have, generally worked well, but fewer might do. He cannot speak from his own experience.

Great saving would take place in a better mode of conducting Government cases—by the agents.

The

The defeated party would have to pay the costs, and particularly of the expenses of witnesses.

A great saving would be made by a more frequent gaol delivery, which could be done by giving larger criminal jurisdiction to the district courts. Might have quarterly sessions.

He thinks it very material that the revenue divisions and the judicial divisions should be identical.

The provinces should be differently divided. Great difficulties and delays arise from a single agent now being compelled to resort to different courts for legal proceedings.

Mr. Staples thinks that some of the present district courts might be abolished. People here don't struggle so much about the value of the land as the right of possession.

He would not give to the present courts of requests jurisdiction in land cases at all. He would increase the money jurisdiction in the courts of requests, but he thinks that no pleadings should be permitted in courts of requests. He would not have any different mode of trying land cases according to the value of the land.

The natives don't value them.

On Administration of the Law, and against Mr. Selby's Plan.

Mr. J. J. Staples, District Judge of Kandy—continued.

Nor having been made acquainted with the details of the plan said to have been proposed by Mr. Selby, I feel it difficult to give an opinion upon it, but I have reconsidered that which I expressed at the interview I had with Sir J. Emerson Tennent, Messrs. MacCarthy and Bernard, and adhere in a great measure to the suggestions I then made.

I do not think it would tend to give general satisfaction to confer upon the Supreme Court both an appellate and original jurisdiction in civil cases, for although the judge who may have decided a case may not sit in appeal upon it, yet the appeal will be considered as made to a court of which such judge is a member.

During the time also that a judge of the Supreme Court may be required to attend to a collective session in Colombo, his station would be left without a judge, besides which, to render the system uniform, the judge of every principal station should be a judge of the Supreme Court.

In my opinion, the Supreme Court should exercise only an appellate jurisdiction in both civil and criminal matters, and although I suggested that the court, as to its members, might be constituted somewhat in the same manner as the former High Court of Appeal, yet, on consideration, I agree with Mr. MacCarthy, that it should be composed of judges, whether two or three, who are professional men.

The judges of the Supreme Court should always sit collectively, and throughout the year, as the district courts now do, allowing intervals for vacations, which, however, the district courts have not.

The cases in appeal would then be disposed of without delay, vexatious and frivolous appeals would be checked, and the public would derive the satisfaction of having every decision of the courts of original jurisdiction reviewed by all the judges of the Supreme Court.

The decisions would then also be more uniform, and the law likely to become more settled than at present.

The criminal jurisdiction of the district courts should be enlarged, or rather, there should be one principal court in each province, to be styled the "Provincial Court," exercising an unlimited jurisdiction in criminal, as the district courts do, at present, in civil matters.

In civil cases the judge may be appointed with assessors, and in criminal cases with a jury of 12 persons, and the votes of two-thirds required to constitute a verdict.

Criminal sessions should be held quarterly.

With respect to assessors, I confess I have not derived much assistance from them, and I have seldom met with a set competent to give me an opinion on a question of custom, and which I have, therefore, been generally called upon to explain myself.

Indeed, the system of assessors has never been carried out in the manner contemplated by the Commissioner of Inquiry (Mr. Cameron); the duty was intended to have been divided amongst all classes, except perhaps the lowest, whereas neither Europeans nor the higher classes of natives are ever summoned to serve as assessors before the district courts, but are reserved to act as jurors before the Supreme Court.

It may be worthy of consideration whether assessors in civil cases might not be altogether dispensed with; and I am inclined to believe that the inhabitants consider it a tax upon their time.

All motions in arrest of judgment in criminal cases, where the sentence of the provincial court may be death or transportation, should be brought and heard before the judges of the Supreme Court.

There might be a second judge in each provincial court, or, in the principal towns a second court would be required for the disposal of civil cases, wherein the amount in dispute, 20%, and for the disposal of minor criminal cases, and similar minor courts would be required in the most populous parts of each province.

I am decidedly of opinion that it would give general satisfaction if all cases relating to land were brought before the provincial courts.

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In every village there will be found some influential persons who constantly interfere in oppressing their humble neighbours, and such may advocate having district courts in every nook and corner as formerly; but I am convinced the bulk of the population would not be benefited by them.

In addition to the circumstance of the qualifications which the judge of the provincial court would be expected to possess, suitors would have the advantage of engaging respectable and competent counsel to conduct their cases, which they would not possess the same opportunity of doing in places remote from the principal towns, and it is well known to all acquainted with the natives that they would always avail themselves of this advantage, for they consider all cases relating to land of the utmost importance, and they heed neither distance, toil, nor expense in the prosecution of such cases.

There is nothing extraordinary in this feeling, which is shown by all classes, when it is considered that in the majority of land cases, though the value of the property which is the immediate subject of the suit may appear trifling, yet questions of the greatest moment, involving the right of succession in a variety of ways, arise; and, in such cases, questions of law and fact are so intimately blended, that justice could not be satisfactorily administered, unless the whole case be heard and decided by the same judge.

The proposal, therefore, of directing issues of fact to be investigated by some minor court would not, in my opinion, answer, and, I feel confident, would not give satisfaction to suitors.

If the above proposal be intended for the convenience of witnesses, more stringent rules might be laid down for the prevention of summoning unnecessary witnesses, and of postponing the hearing of cases.

The judges of the provincial court should be selected from the members of the local bar, who would to their knowledge of law an acquaintance with the manners, customs, and habits of the people; a desideratum, it will be admitted, in a judge in any country, but absolutely necessary in this; and such knowledge cannot be so thoroughly attained as by a practice at the bar.

This would act also as a stimulus to the members of the legal profession, and tend to the formation of a respectable bar.

With reference to the three paragraphs of these suggestions, it has occurred to me that an original jurisdiction in testamentary matters, to a certain extent, might be conferred on the Supreme Court.

At present, when parties die, leaving property in several districts, the Supreme Court is empowered, on an application being made to it, to give an exclusive jurisdiction to one district court; instead of which, in such cases, the Supreme Court might exercise an original jurisdiction.

In such cases, also, if the party should have died intestate, and no next of kin appear, the registrar of the Supreme Court might administer.

(signed) J. J. Staples.

Kandy, 14 March 1849.

Mr. Price's Observations on the Judicial Departments.

Mr. Price, District Judge of Jaffna.

Gentlemen,

Jaffna, 17 March 1849.

WITH reference to the question put by you to me on the occasion of your late visit to Jaffna; viz., "Whether it would be better to re-establish the district courts, or to give larger powers to the police courts and commissioners of the courts of request, and have a Supreme Court judge stationed here, before whom all cases of a higher nature, criminal and civil, should be tried, both having reference to economy and despatch of business?"

I am of opinion that there should be a judge for the province as formerly, in whose court all cases exceeding 10*l.* in amount should be tried, but that no proctor should be allowed to appear, unless the amount of the matter in dispute exceeded twenty pounds (20*l.*): that up to 20*l.* all the necessary pleadings should be taken by the judge, on the party furnishing the adequate stamps; that the libel in these cases should only be taken the first month in each quarter, and as concise as possible, unless on some very urgent occasion, of which the judge must be fully satisfied by affidavit. Whether the number of cases so instituted in each quarter would be sufficient to give the judge employment for one month would very soon be ascertained; if not, 20 days in each quarter may be given up; but there should be a fixed time for this purpose. I should recommend a month, and the parties should be required to appear on or before the 15th of the month; otherwise confusion and difficulty might arise from parties appearing nearly all at once near the end of the month. A book to be kept of the names of the parties appearing on or before the 15th, so that they could be ordered to attend any other day within the month, should the judge not be able to take the plaint on the day they appear. The present rules to be observed with regard to filing documentary evidence and lists of witnesses. Unless this is done, the parties would be obliged to go either to proctors or petition drawers, and the object of saving the parties expense would be frustrated. I would, however, not shut out a proctor from appearing at the trial for the mere purpose of conducting the case, but it must be at the expense of the party employing him. I would give the judge increased criminal jurisdiction, and a jury (this would, I think, prevent the necessity

necessity of the Supreme Court visiting the station more than once in the year), not assessors. I should recommend the doing away entirely of assessors in civil cases; in my long practice I have rarely found one who takes the slightest interest in what is going on. They almost to a man consider the duty irksome, and I am not surprised at their doing so, when it frequently occurs that they are brought so many miles from their homes that they are obliged to remain the whole week in Jaffna away from their families, and at an expense; added to this, I am afraid they are very open to bribery. I would give increased power by fine, lashes, and imprisonment: fine to the amount of 50 L.; lashes to the extent of 100 (I am averse to this mode of punishment, but I am afraid it cannot entirely be done away with in Ceylon); and imprisonment for two years at hard labour in chains.

The establishment that I think would be required for the above court would be:—

[illegible]

This clerk has the sale of stamps, for which he gets a per-centage (2 per cent.); his arrangement should not, however, I think, be allowed to interfere with his other duties, more particularly as his pay has not very long since been raised from 45 *l.* to 60 *l.* per annum.

[illegible]

This service was formerly performed by the present bookbinder at 15s. per month, and I recommended an increase of 15s., as I could hardly consider him responsible for the records unless he was paid for the charge; the original 15s. was paid to him for his services as bookbinder.

This recommendation was not sanctioned, and afterwards the present record keeper was appointed upon 40 l. per annum.

[illegible]

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The pay of the establishment, as it now stands, is 475 *l.* I think the clerk of the registry of notarial deeds and writer of Tamil and English, at present receiving 75 *l.* per annum, should be transferred to the cutcherry, being a proper place for a record of the kind, the notaries giving security to Government for the faithful discharge of their duties; and I think it would be a great check upon the notaries, and also upon the odears who grant the schedules for the sale of property, the odears being appointed by the Government agent.

The principal amount of the debt, or the value of the land, should be the court's guide in receiving cases of 20*l.* and under; otherwise there would always be a great facility in bringing the cases into a higher class, by claiming long interest in the one case, and heavy damages in the other.

I would recommend that a party defendant should once be compelled to attend the court, unless where a proctor is employed.

I think the indulgence granted by Government to parties to sue as paupers is greatly abused, and in many instances very oppressive to the party opposed to the pauper, who has everything to gain and nothing to lose. If the pauper loses his case, the opposite party can recover nothing, neither can he touch his person. I would suggest as a check, that where a pauper lost his case, and the court was fully satisfied that the case was vexatious, he should be sentenced to three months' hard labour. If this was done, I am satisfied there would not be one case where there are now ten.

A very good rule made by the Supreme Court has been done away with, viz., that relating to dormant leases. Formerly, if a case was dormant for three months, the court had the power of bringing the plaintiff before it, and, if he could give no satisfactory reason for not proceeding, the case was struck off. There are now pending in my court upwards of 1,200 cases, out of which I believe there are between 400 and 500 in which the parties do not move; and I dare say many of the cases have been settled out of court, so that it is never known what the actual work before the court is.

This arrangement of a provincial court would, however, considerably increase the duties of the commissioner of the court of requests, but would not inconvenience him, I think, if relieved of his duties as justice of the peace. But it is many years since I had charge of the magistrates' court, and I am fully aware that there is a great deal more to do in the court than formerly. However, giving increased jurisdiction to the commissioner of the court of requests, say to 10*l*. (taking the principal amount of the debt on the value of the land as his guide), in all cases, would, I consider, be a great boon to the people, as it would save them the expense of proctors' fees, and the present stamp duties would not bear so hard upon them. As they now exist, in cases of minor value, and with the proctors' fees, they almost amount to a denial of justice. The work in my court has been nearly put a stop to, and I believe from no other reason than the present expense of litigation.

There are many cases from Mallagam, a distance of eight miles from Jaffna, and I have often doubted the propriety of doing away with that station. I am told that lately Mr. Mooyaart has received a warrant to act for Mr. Pole, in the event of his absence :

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and if, by this arrangement, Mr. Pole could give his attention for a week or ten days in the month at Mallagam, I think it would do away with the necessity of a magistrate being stationed there. There would, of course, be the expense of a clerk, Tamil writer, and messenger; the former to have charge of the records, and the latter to keep the court clean. An interpreter would also be required, but only on the occasion of Mr. Pole visiting the station.

Of the establishment and pay that would be required, I can hardly form an opinion. I am not an advocate for cutting down the pay of this class of people; it must be sufficient to prevent their looking to other sources. With regard to Point Pedro, I should recommend the same extension of jurisdiction, and the court of the island also.

I have, &c.

(signed)

J. Price, D. J.

The Hon. the Commissioners of Inquiry.

27th February 1849.

Present—Honourable Mr. MacCarthy.

Dr. Elliott examined.

UPON general grounds he objects to Mr. Selby's plan for a new system of administration of justice; he cannot imagine how it can prove otherwise than expensive. The natives will not be satisfied with one judge taking the evidence and another deciding the case. They cannot arrange their business here by correspondence, as is the case in England: every fresh instruction here involves a journey; every recommendation or conference with their proctor must be personally undertaken by the parties concerned.

Great stress is laid upon the necessity of the judges understanding the native language, but that alone would not be a sufficient check against false interpretation.

The presence of legal practitioners is a far more effectual one. Mr. Elliott thinks there ought to be a sort of general superintendent of the courts of law for the whole island; an officer specially charged with inquiring into the administrations of the respective courts, of listening to the complaints made by the people, of observing the general bearing and behaviour of the judges, &c. He should report periodically as to everything connected with each particular court, and as to the efficiency of their establishments.

He should be master of the language and the customs of the natives in different provinces; he should be a person to whom the natives can state their complaints.

The abuses of interpretation are at present very great. Sometimes the interpreters are bribed by both parties in a cause, as witness the accompanying note from one interpreter to another belonging to a different court.

He would allow the intervention of practitioners in all cases and in all courts, but he would not have written pleadings in minor cases.

He thinks it advisable that legal practitioners should be allowed to conduct all cases brought before the courts, because it saves time and helps the judge himself.

The judicial stamps would, he thinks, suffice in many places to pay for the expenses of new courts. He would hardly like to intrust extensive criminal jurisdiction (such as that now possessed by the Supreme Court) to district courts at out-stations. If a judge happens to err in a civil case, there is a remedy by appeal; but if he err in a criminal case, it may be too late to appeal.

Does not think that the granting of juries in civil cases would be attended with successful results.

They could not be relied on. Upon the whole, he is inclined to believe that the proposed system of having the judges of the Supreme Court located at separate stations would not work well. He doubts if it would succeed to have one judge sitting permanently by himself at the provincial towns. Moreover, whenever he might be required to come to Colombo, in order to assist in forming a collective court of appeal, his own province would be left for the time without any resident judge at all.

The testamentary administration is at present very defective in all the courts. These cases are generally known as "Old Supreme Court cases." Documents have, in many instances, been lost; the whole proceeds of estates have been swallowed up. An officer, such as he before recommended as supervisor of the courts of law, something in the nature of a minister of justice, should have the principal control over the testamentary jurisdiction of the district courts.

The police courts are indifferently administered. The interpreter of the police court of Colombo, for instance, is generally mistrusted. Something is certainly wrong about the interpretation of that court.

The great check to wrong interpretation would be the admission of proctors, but without pleadings. The corruption of interpreters is notorious. The natives are afraid of false charges, and of unjust convictions obtained through false interpretation.

Shroff's Bribery.—The temptation to lend money at high interest is very great.

The secretaries and clerks of courts almost all take bribes in some form or other.

The testamentary clerk of the district court, De Wendt, is complained of. The secretary to the court is official administrator of intestate estates. Upon the whole, he thinks Mr. Cameron's system would be the best, with some few modifications. One improvement

improvement would be the rectification of the mistake made in requiring that cases should be instituted in the name of the Queen's Advocate.

The natives object very much to come up to Colombo to have their cases tried. They would rather come from a greater distance to attend a local district court than come to Colombo. Great practical inconvenience is felt by them, from having no convenient place or places in the neighbourhood of the courts. Women have declined altogether to attend the courts at Colombo.

There are great abuses at present in setting up fictitious titles to land, by which means robberies and cattle trespasses are facilitated and encouraged.

Mr. Pereira, assistant Wesleyan Missionary at Negombo, can give information.

District courts at the minor out-stations should not be entrusted with extensive criminal jurisdiction; certainly not so as to have power to try cases of life and death, &c.

Great inconvenience has arisen from the abolition of the district court at Negombo.

Memorandum by Christopher Elliott, Esq. on the Judicial System proposed.

WITH reference to the interview with which I was honoured this day by the Committee of the Executive Council, and the questions put to me on the administration of justice, I beg leave to record the following minute:—

On Mr. Selby's plan, as explained to me by the auditor-general, it becomes me to speak with great diffidence, not only in consequence of his superior knowledge of the subject generally, but my own very imperfect idea of what he proposes.

The plan would certainly insure that which is very desirable, professional judges in the principal towns. Wherever there is a professional bar there ought to be professional judges; where it is otherwise, the judge and the bar are only pitted against each other; and the lawyer who can best mislead,—the cleverest and the most unscrupulous,—has the greatest advantage. Grievous errors will spring up, and want of confidence will be the result. By professional judges, I mean practised lawyers, men of actual experience either in England or here; not men whose training shall consist of experiments upon the bench. In any change of system, the qualifications of all the judges, supreme and district, should be laid down, say five or seven years' standing in the profession; judges are never appointed at home as "Assistant Barristers" or "Provincial Judges" simply because they are barristers—they must have previously practised. The delay said to be occasioned by professional judges is quite a misconception; cases are on the whole satisfactorily decided by them and not re-opened. Appeals are not frequent, and their judgments seldom reversed. It is not enough that justice should be done, but the people must be convinced that it is.

Judges should stand high in public estimation. I think such men might be found willing to come out from England, for what we now pay our principal district judges: men who have spent so long a time at their profession as to learn the working of it. It is also only fair, right and expedient that practitioners of eminence at the local bar should be advanced to these offices. Courts thus supplied would each be a school for a bar. It is hopeless to expect an upright and efficient bar without a judge competent to command and uphold it. Local practitioners would also be thus prepared for the Queen's Advocate department, an aid for the district courts themselves; and in the end this would prove economical.

Mr. Selby's plan seems to contemplate this state of things, and so far I agree with him; but the double trial (before the minor court and the provincial Supreme Court), and even the third trial in case of appeal, would, I think, prove highly objectionable. It would involve the employment of two, if not three, sets of lawyers, with all the trouble and expense of seeing, instructing and visiting them. It would be complicated and expensive to the people, and in the end would, I think, be found most expensive to Government.

Every district would occasionally be denuded of judges whilst the Supreme Court was holding its appeals; and appeals from the whole island would occupy considerable time occasionally.

Mr. Selby rightly contemplates the establishment of courts of extensive jurisdiction in as many places as possible, and herein I agree with him. But all this was insured by Mr. Cameron's charter, which was admirably adapted to the country.

Why it was changed it would perhaps be difficult to say; the people liked it, the legal practitioners approved of it, as did also our best judges, both supreme and district. There were a few oversights that required correction: but as a whole, the system was almost perfect. The fault lay in the rules of practice laid down by the Supreme Court, which required the same formalities to be observed in the simplest and least important as in the most complicated and most important case.

My letter to Earl Grey sufficiently explains my views of the minor courts. My experience only confirms the opinions therein expressed; and I have furnished the Committee with some proof of the villany practised by false interpretation where there are no legal practitioners to guard the judges against it.

The Committee may bear in mind the anomaly exhibited in the administration of justice in this country in a language generally foreign to the suitors. Half a century nearly elapsed before the English language was introduced into the courts at Mauritius. All over India law is administered to the natives in their own language. The following eulogy was lately passed upon Lord Auckland in reference to this subject:—

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"The papers announce the arrival of Lord Auckland's statue, and give us the inscription which has been placed upon it, which will be found at the close of this notice. We cannot allow it to go forth to the world in our columns without a remark upon the palpable omission of all reference to one of the most important measures of his administration. While other measures are commemorated with such pompous flattery, surely the writers might have found room for a reference to the order which abolished the use of a foreign language in our courts of judicature, and restored to the native community the inestimable privilege of having their own vernacular tongue employed in the decision of the suits in which they might be engaged. No proceeding of Government during the present century has been calculated to produce a more powerful effect on the comfort of the people. If we needed any evidence of its importance, or its benefit, in the administration of justice, we should find it in the unceasing efforts of the native officials of the courts to induce the European judge to address them in Hindoostanee, and to issue his orders in that language. But the writer of that inscription has thought fit not only to omit all reference to this great measure, but has endeavoured to convey the impression that Lord Auckland's efforts were exclusively directed to the dissemination of the English language, which is inconsistent with the truth and injurious to his Lordship's character. Amidst all the military glories of the reign of Edward the Third, the fact that he was the first to restore the use of the Saxon language in the courts of justice is still considered as the most memorable event of his reign, and there is every reason to believe that, 100 years hence, the two events by which the administration of Lord Auckland will be distinguished on the page of history, will be the restoration of the vernacular language as the most auspicious, and the war in Afghanistan as the most deplorable transaction connected with it."

I dwell upon this part of the subject, as it forms so important a consideration in any plan for improving the administration of justice. I have thought it might be well to take down evidence in the language in which it was given, and allowing argument to be conducted in English; but I am not prepared to recommend this plan now. But the judges ought to be required to know the native languages; and why should they not be able to learn them, as well as the Indian judges, or a superintendent on an estate, in a year or two. Till, however, this state of qualification is attained, the natives should be protected from the effects of false interpretation by the presence of proctors in the minor courts.

I have called the attention of the Committee to the state of the testamentary business. The secretaries of the district courts become official administrators of intestate estates, but they perform their duties with great dilatoriness, and not unfrequently with dishonesty, often purchasing at nominal prices the best parts of the properties they administer.

All the native subordinates in the courts prey upon the natives, from the secretaries down to the lowest clerks; none will perform their duties without bribes or presents. Many proctors, in like manner, exact inordinate fees, or proceed with cases so slowly as to be ruinous to their clients; and there are even instances of proctors appropriating to their own use money recovered for their clients.

It was doubtless intended that the district judges or magistrates should prevent these malpractices, and that the judges of the Supreme Court should carefully inspect the proceedings of all minor courts, and correct all errors; but the intended remedy is quite inoperative. Even supposing the minor judges willing to give redress, they are inaccessible to the people, who must approach them probably through the very individual against whom the complaint is to be lodged, who has the ear of the authority; and woe betide the complainant, if unsuccessful, as he inevitably must be. My attention has been particularly drawn to this subject by the number of complaints I receive in a private capacity, and the redress I have been enabled to procure by my influence for many poor oppressed people, as explained to the Committee. Whilst thinking over this subject, I was reminded of an office in Bengal which would prove highly useful if introduced here. Mr. Dampier, inspector of police in Bengal, is not simply what we understand by the title, but a very high Government officer, with a salary, if I mistake not, of above 4,000 *l.* per annum. He has the general oversight not only of police but of magistrates throughout the provinces, goes on circuit, enters courts, examines books and proceedings, reports fully and faithfully on state of district and qualifications of judicial officers, knowledge of native language possessed by magistrates, their demeanour, success in diminishing crime or the reverse, their mental calibre, title to promotion, and so forth. His reports used to be published, and gave great exasperation to some who were hardly spoken of. I think the reports are now as full as ever, but confidential. Such an officer, immediately connected with Government, and reporting directly, might do great good. He would hear what the people said, and inquire into their grievances, recommend removal of magistrates from one district to another, &c.

Whilst he attended to all complaints, he might be considered in a peculiar manner the "Protector of Aborigines." Dilatoriness on the part of judges, corruption of secretaries and clerks, and the misconduct of proctors, should engage his particular attention; civil, criminal, and testamentary business should all come under his inspection, especially in those cases where complaint was made. I have sufficiently described the state of the Negombo district in my letter to Earl Grey, and would here merely add two cases that have since come to my knowledge. In one case (No. 1,217), the plaintiff was obliged to make 17 trips from Pallenchena to Colombo, a distance of 26 miles, at a cost of 9 *s.* each time, before he could procure an order to receive the amount of a bond (7 *l.* 10 *s.*) adjudged to him.

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In another (No. 2,379), the land in dispute was valued at 12*l.*, and yet the batta of witnesses, on two postponements alone, amounted to nearly 12*l.*

If the district court were restored to Negombo, the district judge of Colombo could perform the duties now discharged by the commissioner of requests, and the fiscal could perform the duties now appertaining to the police magistrate. There would be some incompatibility in combining these judicial and executive functions in the fiscal, but they might be arranged. In this way two judicial officers might be dispensed with.

(signed) *C. Elliot.*

*Mr. Langslow's Remarks upon the Judicial System.**

Gentlemen,

Jaffna, 2 April 1849.

DURING your visit to Jaffna you intimated to me that I might forward to you in writing any suggestions occurring to me relative to the proposed alterations in the judicial system of the island; and I therefore send you the following observations, in which I have expressed my opinion on the subject without reserve, as I considered it to be your wish that I should do so.

I will not increase the length of my letter by reciting the two systems mentioned by you, as I shall confine my observations to the first, viz. that establishing a Supreme Court, presided over by an English barrister, at each of the principal towns, a court of appeal on questions of law at Colombo, and minor courts at out-stations, presided over by district magistrates.

The first objection that offers itself to this scheme is, that it is of a perfectly novel nature; and when it is considered what a dislike the natives of Ceylon, especially of the northern circuit, have to anything like innovation, this objection appears rather a serious one. With the natives custom is everything. However faulty a system may be to which they are accustomed, they appreciate what advantages it may have, and disregard its inconveniences; but when a new system is introduced, they only look at and always exaggerate its defects, and are slow to perceive its advantages. Besides, they are extremely suspicious, even in ordinary transactions, and look with peculiar distrust on anything like innovation emanating from the Government. This objection, however, can only prove of a temporary nature, as the natives will in time forget their dislike, and accustom themselves to this or indeed any other system.

The other objections that occur to me are,—

1. I do not think the natives would regard the proposed local Supreme Courts with the same consideration which they now entertain for the Supreme Court on circuit, and which it is very desirable they should have. They are accustomed to see the judges come on circuit twice a year, with a certain degree of solemnity; their arrival is looked for with no little anxiety, and a feeling of respect is consequently entertained by the natives towards the Judge of the Supreme Court, which would probably not continue if they saw him constantly engaged in trying land cases, which have hitherto been decided by the district judges.

2. It has been considered important that uniformity of practice should be preserved in the courts of this island, and this uniformity could be hardly kept up under the proposed system. Four or five independent Supreme Courts would naturally, in the course of time, take different views as to various technicalities and forms of practice. These matters would not be of sufficient importance to warrant a reference to the court of appeal at Colombo, and by degrees different systems would obtain in the different courts.

3. The formation of a respectable and influential colonial bar would be materially impeded by the new system, for the advocates would no longer collect round the Supreme Court at Colombo, but would go to the different local Supreme Courts.

4. The proposed practice of referring issues for trial by the district magistrates appears open to several objections. The parties in such cases would not be able to avail themselves of the best legal advice at the cheapest rate; for the legal practitioners of the greatest ability would probably live near the local Supreme Court, and it would be less expensive for persons in remote parts of the province to attend the local Supreme Courts with their witnesses than to retain counsel specially to go down to out-stations. Besides, the unsuccessful party in the suit would be sure to accuse the district magistrate with having been unduly influenced, and it would be easier to get unbiassed jurymen in the town where the local Supreme Court might sit, than in the village to which the hearing of the case would be transferred.

5. The expense of this system would be very great. It would require one chief justice at Colombo, and puisne justices at Kandy, Galle, Jaffna, and perhaps Trincomalie. These competently qualified English barristers would of course expect large salaries, and must have separate establishments. If there were no Supreme Court at Trincomalie the puisne judge of Jaffna would have to go on circuit there, or the parties and witnesses from Trincomalie and Batticaloa must be sent to Jaffna. Either course would entail great expense, as some parts of the Batticaloa district are nearly 300 miles from Jaffna.

The system established by the Charter of 1833, and which continued in full force till the

* Mr. Langslow was Deputy Queen's Advocate for the Northern Province.

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the years 1844-45, though not free from faults, appears to have been generally well suited to the natives, and has obtained the approbation of many persons eminently qualified to judge on the subject. It has, besides, the great advantage of having had its merits and demerits repeatedly canvassed. An attempt was made some years ago to amend certain faults which had been discovered in it, and, to a certain degree, the amendment succeeded, not, however, without injury to the original fabric of the system.

As far as I can judge, the best system for the administration of justice in this island would be, the charter system of 1833, with those alterations already made, which experience has shown to answer, and with a few other modifications. The principal objections against the system of 1833 were, I believe,—

1. The delay occasioned in some courts by the enactment, that there should be only one judge in each district, and that the same judge should perform all the judicial and magisterial business of that district, whether of the most important or most trifling nature. In consequence of this, much valuable time was lost, and the district judge was often obliged to postpone the trial of important civil cases to hear petty criminal charges, hold inquests, or swear in recruits.

2. The most trifling civil and criminal cases were subjected to the same forms as the most important ones, so that it was as difficult to recover a debt of a few shillings as a large landed property.

3. The incompetence and loquacity of the proctors, who occupied the time of the court by making long speeches.

4. The absurdity of the system of assessors, who were judges of law and of fact, whose presence was necessary during the entire sitting of the court, who were generally ignorant persons, unable to decide on matters of law, and who could only be useful as judges of the credibility of witnesses, and of the custom of the country, in which capacity their utility was nullified, as the opinion of the district judge on these points overruled them; while at the same time he might, if he thought fit, remove much responsibility from himself, by asking and submitting to the opinion of these ignorant assessors in matters of law.

To remove these evils, minor courts were established in some large towns, and others were substituted at out-stations for the district courts; and great expectations were entertained of the advantages to ensue from them. Proctors and assessors were no longer to waste the time of the court by their long speeches and deliberations; and it was anticipated that a debt of 5*l.* would be recoverable without difficulty in a few days, and that petty crimes and offences would be punished within a few hours after being committed. Experience has shown the fallacy of these hopes as to the rapidity with which cases were to be decided; but it cannot be denied that the institution of police courts and courts of requests has been productive of much good.

At Trincomalie, the district judge is also commissioner of requests, police magistrate, coroner and justice of the peace, so that his court combines all the advantages of the courts under the charter system without their inconveniences; and if all the courts in the island, with the exception of those at Colombo, and possibly Kandy, were established on the same footing, it would perhaps be difficult to conceive a judicial system better adapted to the exigencies of the country. Against it may possibly be urged the apparent absurdity of giving so many titles and offices to the same judicial officer. But this, besides being in conformity with the English practice, appears to me a great advantage, especially when the judicial officer is not very conversant with legal matters, as it tends to promote regularity in business. Nothing is easier than for him to learn the duties and powers attached to each of his offices, and the usual mode of discharging and exercising them, and it appears to have been one great mistake of the charter system, that all the functions of the district judge were exercised without distinction, so that it sometimes became a matter of doubt (probably even to the district judge himself) in what capacity, civil or criminal, judicial or ministerial, he acted.

It may also be objected, that the gentlemen now presiding over the minor courts are not qualified to act as district judges. But it should be borne in mind that they are already empowered to inflict 20 lashes, and three months' imprisonment with hard labour without appeal, which implies great reliance on their discretion and judgment, and the majority of land cases, which constitute nine-tenths of the law suits on this circuit, are not generally of a nature to call for the display of much legal ability on the part of the judge. Should any case of great importance occur in which it would be desirable to have the best judicial decision in the first instance, the Supreme Court can, on application to it under the 11th clause of the Ordinance, No. 9, of 1843, transfer the case to the principal district court of the province, which it is to be presumed is the best presided over. I need hardly add, that the judges of all the courts should be acquainted with at least one native language, not only to check the interpreter, but to preserve the decency of the court, and to prevent the use of indecorous language in it.

Were the several minor courts invested with the powers of district courts, there would be no necessity for the courts of requests and police of Jaffna, Galle, Matura, or possibly Kandy; as the district judges of those towns would be able to conduct the business of the police courts, &c., no additions would be necessary to the salaries of the district judges, whose pay as magistrates is now generally higher than the pay of many district judges under the charter system; and the sale of judicial stamps would be very much increased were facilities afforded to the natives, of deciding their disputes about land in court, instead of settling them by arbitration, or by less innocent means. Almost all
disputes

disputes among natives have reference to landed property, but they will not have recourse to law, when the only court they can apply to is 60 or 70 miles distant from their place of residence.

Probably a few alterations might be advantageous in the new courts, whether as district courts or courts of requests and police; and at all events, some change might be made as regards the assessors. They might be considered merely as judges of fact or jurymen, and their opinion or verdict might be made decisive for the plaintiff or defendant, or they might give a special verdict.

The district judge would then have only to adjudicate on matters of law, and the presence of assessors would only be required at trials of cases on evidence.

At present it seems rather strange to see three natives listening for hours to a discussion in English on a point of law, and totally ignorant of the subject and language, merely that they may concur with the district judge. It is a question whether the number of assessors or jurymen might not advantageously be increased to five, but this would not be so important were care taken to select them from the most respectable and intelligent persons of the native community.

Notwithstanding all the complaints against the proctors, I think that much good would attend the admission of a certain number of them as licensed practitioners in the courts of requests and police courts, from both of which they are at present excluded. No costs need be allowed them; these might be borne by the persons employing them. None but respectable practitioners should be admitted, and the number in each court might be limited, and besides paying for the license, they might be placed especially under the surveillance of the commissioner and magistrate, with power to fine or suspend them for misconduct. Were respectable proctors admitted in the police courts, less encouragement would be held out to the common barristers and petition drawers, false complaints and defences would be less often made, and the time of the court would not be lost, as it often is at present, in swearing and hearing witnesses either incompetent or ignorant of the facts of the case. The advantages to all parties of being allowed to employ proctors as substitutes in the courts of requests are too well known to require comment. It is to be regretted that more attention was not bestowed by those who carried out the provisions of the Charter in selecting properly qualified persons, and no others, as proctors for the several district courts. The only requisite qualification appears to have been an ability to speak, read and write English, and in many cases, no great proficiency in these branches of learning seems to have been required. The consequence was, that heavy complaints became general against the whole body of proctors, which were only just as regarded certain of them, and the better portion have suffered for the faults of the less respectable. The present rules and orders of the Supreme Court will, if rigidly adhered to, prevent the admission of improper persons in future, and the annual payment now required from the proctors may induce a few to retire. Still some will remain who might with great advantage be dispensed with, and the establishment of a new judicial system seems to offer a very good opportunity for getting rid of them, as well as of the pleadings and petition drawers, a nuisance of very old standing, which might be easily abated by requiring all pleadings, in courts where written pleadings are required, to be signed by a proctor, or to be entirely in the handwriting of the party filing them.

As regards the offices of coroners and justices of the peace, I do not think that any change is necessary, as the present system seems to work very well.

The appointment of a few intelligent Europeans or natives as justices of the peace in out-of-the-way places, might be productive of good, and could hardly do harm.

I have, &c.

(signed) *R. W. Langslow*, Deputy Queen's Advocate,
Northern Circuit.

The Honourable the Committee of the
Executive Council, Colombo.

Mr. Langslow on the Nature and Importance of the Duties of the Deputy Queen's Advocates.

Gentlemen,

Taffna, 2d April 1849.

WITH reference to the conversation I had with you at the Cutchery, on the 14th March last, I have the honour to forward for your consideration the following observations as to the necessity for continuing the office of Deputy Queen's Advocate for the Northern Circuit; and in the first place I will take the liberty of alluding to what I believe to have been the state of things before the appointment of officers of this nature.

Much difficulty was experienced at trials before the Supreme Court by the public prosecutor, from his inability in some cases to get that accurate information which was necessary to enable him to conduct the prosecutions with effect, and many cases were committed for trial by the district judges which it was found necessary to abandon, or which terminated in the acquittal of the accused parties. It was in consequence suggested from the bench that clerks of the peace should be appointed to take informations for the public prosecutor.

The then Queen's Advocate, Sir Arthur Buller, soon after his arrival in the island, recommended to the Right hon. the Secretary of State for the Colonies the appointment of officers, to be called deputies to the Queen's Advocate, to assist the district judges in taking informations for the public prosecutor, and to conduct criminal prosecutions and the

CEYLON.

the Crown civil business in the district courts. In 1842 two appointments of this nature were made at Colombo and Kandy.

I have reason to believe that it was the opinion of the then district judge of Colombo South, that the appointment of a deputy at Colombo was almost useless as far as regarded his being of any assistance to the district judge in taking informations for the Queen's Advocate, or in conducting criminal prosecutions in the district court. And considering that this deputy had no authority even to administer an oath, and was not, in fact, armed with powers superior to those of any other advocate or proctor, I do not think the opinion was an erroneous one. Indeed the necessity for some officer with greater powers than the Deputy to the Queen's Advocate had was felt so much that a project was entertained in 1843 for the appointment of clerks of the peace, but subsequently abandoned, as it was found that their duties could be performed by the Deputy Queen's Advocates, who were then appointed for the different circuits, and by whom (according to the 52d clause of the Ordinance, No. 15 of 1843) the powers and duties of the Queen's Advocate might be exercised and discharged under his control and direction.

These Deputy Queen's Advocates for the circuits were also appointed justices of the peace, and the objections arising from their want of authority ceased to exist.

I may here observe that some little confusion has been occasioned by these appointments having subsequently been made permanent by the Right hon. the Secretary of State, with the name of deputies to the Queen's Advocate at Colombo, &c.; for the warrant I hold authorizes me to act as a Deputy Queen's Advocate for the Northern Circuit, and it is only as such that I can exercise the powers conferred by the Ordinance, No. 15 of 1843; but the appointment is sanctioned as Deputy to the Queen's Advocate at Jaffna. Should it be considered advisable to continue the office, it would perhaps be as well to give it a name, which would at once distinguish the holder of it from the Deputy Queen's Advocate for the island, and from the Government proctors at Batticaloa, Trincomalie, &c., who are Deputies to the Queen's Advocate for those districts.

My chief duties as a Deputy Queen's Advocate for the Northern Circuit are—

1. To receive all proceedings in criminal cases which the justices of the peace may forward to me, and to direct that the accused parties be committed for trial before the Supreme or District Court, or that they be discharged.

It is sometimes necessary to return the proceedings to the justices of the peace for further evidence, even more than once, before being able to come to a decision.

2. To draw the indictment when the accused party is committed for trial before the Supreme Court. When he is committed for trial before the district court, I generally conduct the prosecution, especially if the case be one of importance or affecting the revenue.

3. To conduct the prosecutions before the Supreme Court, when the Queen's Advocate and Deputy Queen's Advocate are unable to attend the circuit, and to assist them when they do attend. I have conducted the prosecutions alone at five sessions of the Supreme Court in the year 1847-48-49.

4. To manage the Crown civil business in the District and Supreme Courts. This might be done by a Government proctor; but it is the highest branch of my duties. Only eleven Government causes were pending at my arrival here in July 1847; one has been instituted since, and only one now pending.

5. In forwarding to the Queen's Advocate the returns from the fiscal of prisoners under sentence of or for trial before the several courts, I am instructed to make such observations on the cases as may be requisite. With this view I am obliged to refer to the proceedings in the various cases. I also receive petitions from persons thinking themselves aggrieved by the magistrates, &c., and similar complaints are occasionally made to me as visitor of the gaol. I refer to the proceedings, and when necessary, call the attention of the magistrates, &c., to any irregularity that may appear on them. I also read the proceedings of inquests held by some of the coroners and deputy coroners of the circuit.

6. My instructions are to consider myself the legal adviser of the Government agent, to give my opinion to him on such matters as he may refer to me. I consider myself bound to do the same to the fiscal and collector of Customs. This is, perhaps, one of the most important of the duties of my office.

7. I occasionally, when applied to by the Government agent, &c., in cases of a peculiar nature, stop criminal proceedings in the police courts under the 11th clause of the Ordinance, No. 9 of 1843; and I am sometimes obliged to go for this purpose to out-stations. This duty can only be performed by a Deputy Queen's Advocate.

8. I occasionally act as justice of the peace in the investigation of criminal cases, especially such as affect the revenue.

The duties enumerated in Nos. 1 and 2 are nearly those of a clerk of the peace, the necessity for which was formerly so much felt. Those mentioned in No. 3 are of great importance, as it is sometimes very inconvenient for either the Queen's Advocate or Deputy Queen's Advocate to come to such a distant place as Jaffna on circuit.

Those in No. 5 are also very important, as it often happens that the best-intentioned magistrate will, in the hurry of business, commit an error which, when his attention is called to it, may be at once amended. I consider a proper use of the powers of the Deputy Queen's Advocate, in cases of this kind, to be very beneficial to all parties; and most magistrates I have met with feel rather thankful than otherwise for having any mistake they may have inadvertently made brought to their notice, so that it may be set right.

The distance from Jaffna to Colombo is so great, that were there no officer on the spot to

to apply to, it would often happen that the whole of an erroneous sentence might be inflicted before an answer could be got from Colombo to a petition against the magistrate's decision. The same reason renders it important to have an officer on the spot, to whom the Government agent may apply for legal advice when required, and who can restrain the powers of the police courts when it is absolutely necessary to do so.

The duties mentioned in No. 4 might, as I have said, be discharged by a Government proctor, and those in No. 8 might generally be done by the comptroller of Customs, if he were appointed justice of the peace; but I think the duties named in the other paragraphs are of so important a nature, especially considering the distance of Jaffna from Colombo, that the continuance of the office of Deputy Queen's Advocate for the Northern Circuit (though perhaps with a different name) is necessary, as regards them alone.

I have, &c.

(signed) *R W Langslow,*

Deputy Queen's Advocate, Northern Circuit.

The Hon. the Committee of the Executive Council,
Colombo.

Enclosure 8, in No. 2.

Enclosure 8, in
No. 2.

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3d January 1849.

Present: Hon. Sir J. E. Tennent, Hon. F. J. Templer and Hon. C. J. MacCarthy.

Mr. Dawson's Evidence, a Merchant of Colombo.

IN consequence of the letter to the Chamber of Commerce, Mr. Dawson came before the Committee to make some representations respecting the expenditure of the colony.

Mr. Dawson begs to be understood as giving only his own individual opinion, and not as conveying the sentiments of the Chamber.

Audit Office.—Has heard it suggested that the office of Auditor-general should be abolished altogether; thinks that much work is now done in this office which does not properly appertain to the colony. The colony derives no corresponding advantage from it. Too great minutiae of audit, for the accounts have again to be audited at home. It is necessary, however, to have an efficient head of the department, if it be retained, for the purpose of taking part in the Councils. The new system of accounts has already simplified the business of the office. He looks upon the head of this department as properly the superior of the subdivisions of the department, namely, the minor branches or sub-accountant's offices at out-stations. The head of it cannot be expected to work all the details.

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details. Mr. Dawson finds the Europeans employed in his office more efficient than natives, but he must have some natives as well.

Treasury.—Thinks that the cash department of the Treasury might be abolished, and the receipts and payments effected by the banks, upon cheques for a very small commission.

The Cutcherries, of course, would remain the same.

He thinks that probably 1,000 *l.* per annum might be saved, not entirely by the abolition of the cash department, but, as he imagines, by the diminution in the general business of the office, correspondence, &c.

Mr. MacCarthy remarks that the Treasury is the pivot of the whole system of the new accounts; all the payments of the Civil Engineer and Roads department are now made through the Treasury.

Civil Engineer's Department.—Recommends that all public works should be done by contract. Difficult at present to ascertain what the cost of works really is, because the establishment is expensive, and its cost is not divided between each work.

Sir J. E. Tennent remarks that the contract system has been tried and failed. It was found more expensive than work done by the Civil Engineer's department. Mr. Dawson observes, that if the contract system were more generally adopted, it would improve, and people would come here on purpose to undertake the jobs. He thinks the chief officers of the Civil Engineer's department cannot pay that attention to details which are necessary. He would retain the head of the office, and would pay an efficient officer well. As regards the present head of the office, the Government pay him a salary high enough to secure the services of an efficient officer; but they act towards him as if they had not perfect confidence in him. Such an idea is much abroad.

People think that the Government agents interfere with him too much. The civil engineer draws all his supplies from the Commissariat. Thinks there must be a great deal of unnecessary correspondence in consequence. The civil engineer might be made more useful than he is at present.

The contract system of keeping roads in repair might be well adapted. The Commissioner of Roads should have the whole superintendence of these undertakings. He is asked whether there would not be a danger of creating a monopoly of contractors.

Mr. Dawson thinks not. He has found native contractors generally do their work well. All that is necessary is to employ people to see that the contract is properly performed.

Road Ordinance.—He thinks that the labour to be obtained under that Ordinance might still be made available under the contract system. But there might be difficulties in the way of it; some parts of a road might be done under the Road Ordinance, and other parts by contract. Heavy work, such as removing or blasting rocks, making cuttings, &c., might all be done very well by contract.

A question is put as to the possibility of enforcing contracts in this country; Mr. Dawson replies that the contract system would require good superintendence and careful working. He alludes to the system of turnpike trusts in England, and would, of course, employ Europeans in the first instance as much as possible, until a regular system could be established.

Turnpike trusts might begin in some degree under Europeans.

Royal Engineers.—Thinks might be more extensively employed for the public benefit than at present, even in superintending roads or constructing bridges.

Ceylon Rifles.—They might be employed on road duties. It is objected that the ordinary duties of the corps are heavy, and that it is already found difficult to get recruits, and that to impose road duty on them would be to drive away recruits altogether.

It is suggested that, at any rate, they might be employed more than they now are, for police duties, and as guards at Government salt stores, &c.

Bookbinders' and printing department might be reduced, and great part done by contract; thinks it might be done cheaper by contract, but does not enter into details.

Municipal Bodies. In every town of sufficient size and population, he would have a municipal body to collect the assessment tax, to keep the town in order, and possibly also for police purposes; all this would be much more satisfactory to the inhabitants than the present system.

The Government of this colony has already too much work to do; anything that can relieve the Government and make the people think for themselves would be advantageous to the community.

Why not begin with the towns? Afterwards, you may, perhaps, extend the system to the country. It is, however, a great mistake to apply the institutions of the enlightened grades of civilized society all on a sudden to a half-civilized community.

He would begin by handing over the management of the affairs of the towns, in the first instance, to resident Europeans, associated with such among the natives as have some idea of European institutions, and possess adequate property qualifications.

Commissariat.—A great part of the Supply or Store department of the Commissariat might be done away with. He does not think sufficient trial has been made of the tender or contract system for supplies. We might get rid of much expense of establishment, and also on account of rent, deterioration, wastage, interest of capital, &c., if the present system of keeping stores were altered.

Master Attendant.—The duties are not at all proportioned to the number and the payment of the officers employed.

Master Attendant, Galle.—If Government allow him to devote part of his time to the Peninsular

Peninsular and Oriental Company, they ought to reduce his colonial salary. Besides that, he receives pay from the East India Company, and gets one of the best houses in Galle rent-free. Galle is now become an important port, but the expenses are not necessary for Government purposes.

The whole system and establishments of the master attendants require revision.

Public Officers absent on Leave.—People should be well paid when they do work, but not paid at all when they do not work, except when they are really sick.

He would not give any portion of their salaries to civil servants going home on leave.

Assistant Agencies.—Formerly the offices of assistant agent and district judge were united, and the old system worked very well. The new one is more expensive, and is no improvement.

Ratnapoora has not improved as was expected under the new system. The revenue of that district is small.

Military Expenditure.—£. 24,000 a year military staff. Fewer officers on the staff would suffice for the duty; the European regiment would be enough.

An augmentation to the Rifles instead; but he complains of the expense of recruiting for the native regiment being entirely borne by the colony, as well as of the military pensions.

Recommends that the European planters in the interior should be embodied or organized, not altogether as a militia, but as an irregular auxiliary force to aid the regular military.

They might be taught the use of arms, under proper regulations, with great advantage.

Judicial Establishments.—Great improvement is demanded in the present judicial system. Something must be done to put an end to the system of petty thefts—speedy trial and immediate punishment; in fact, summary jurisdiction is absolutely required to deal with the present lax system throughout the country. More justices of the peace should be appointed; they should be able to commit for trial, and also to impose fines. A certain latitude in punishing minor offences ought to be given to the magistrates. The native headmen might be made more use of than they are at present; they have no power of punishing in the smallest degree; they ought to have more power in many respects than they now possess. There are difficulties in the way, but it may be done nevertheless. We have abolished the influence or authority of their native customs without substituting any other authority in their place.

Cattle Trespasses.—There is very great difficulty in catching the cattle when they trespass on strange lands. Cattle will not allow strangers to come near them; great hardship is the result. The Ordinance requires to be altered. He would give power to justices of the peace and to the principal headmen to impose fines. Instead of compelling the aggrieved party to prove that the cattle did trespass on his land, he would make the defendant prove that the cattle did not trespass, that is, that they were somewhere else than on the defendant's land.

The natives suffer a great deal more annoyance from cattle-trespass than the Europeans do.

If you could put down petty theft and cattle-trespass, a saving might be made in the Judicial department.

The Governor.—In the present state of the colony he thinks the Governor is too highly paid. The successor of the present Governor might be reduced, but not the actual Governor himself. He states his conviction that good and efficient men well paid are far the best in every way. There might be a combination of offices and a simplification of work. He admits that all the public officers have enough to do on their hands at present, but the work to be done ought not to be so large as it really is.

The Government agents should have the charge of the roads generally within their provinces, assisted by the military. He would abolish the office of commissioner of roads altogether. He would have few Government officers who should be well paid, and he would relieve them from the trouble of petty details.

Stamp Duties.—General scale of stamps at present is too high. Evasion of the stamp duties is much practised.

Bills of Exchange: there is no power at present to stamp a bill after it has been accepted. In drawing bills in the interior, for instance, people cannot always get stamps ready at hand. When the bill comes down here there ought to be a power to get that bill stamped after acceptance as well as before it.

Heavy stamps on transfer of property: evasion of duties; at present properties under mortgage are sold by a fiscal's sale, and are bought by the mortgagee for a mere trifle, and the stamp duty payable on these proceedings is not a quarter part of what the stamp duty would have been had the mortgagee taken over the property in the first instance for the amount of the mortgage. This is great temptation to evade the duties, and even to commit fraud itself.

Casual remarks on the rapid depreciation of estates, importance of rapid transfer of real properties, &c.

CEYLON.

6th January 1849.

All present.

Suggestions.

Mr. LAMBE, a Merchant of Colombo.

RECOMMENDS the salary of any future Governor to be reduced to 5,000*l.* a-year, to include all allowances, and to be open to the civil service of the colony; not to affect the present Governor, because, of course, he came out under certain conditions and with determined prospects.

If the Imperial Government thinks proper to pay the Governor's salary out of imperial funds, then he could make no objection to any sum they might choose to vote for that purpose.

With regard to all offices in the colony, he would give salaries high enough to cover all expenses. He would give no allowance for travelling expenses, or for any contingencies, except upon very unusual occasions, and then the individual should be paid for a special service by a special vote.

He would abolish the appointment of a general officer on the staff for this colony, at least so far as regards the payment of his allowances out of colonial funds. He would also discontinue the appointment of deputy quartermaster-general, deputy adjutant-general, military secretary and staff officer. Each of these departments also at present has its staff of clerks.

He thinks that one person could do all the work (with a proper establishment) of all these offices together.

A military medical officer is paid for doing civil duties as principal civil medical officer; there are others under him who do the duty. Hospitals in Colombo might be attended for nothing by the local practitioners.

Commissariat.—If it is necessary for military purposes, the Home Government ought to pay the expense of maintaining it.

The store department of the Commissariat is at present carried on at a loss to Government. Ordnance department is at present employed to receive stores merely to hand over the same to the Commissariat. He thinks there is a great opening in these two departments for useful economy.

Treasury.—He would do away with it altogether, and would have the Government cash and the cash accounts kept at one of the banks, ample security being taken from them. He is confident that a bank would do efficiently all the work of the Treasury without cost. They would keep any number of heads of account or open accounts with every head of department. He would recommend the amalgamation of the Civil Engineer's, Surveyor-general's, Commissioner of Roads, and Town Surveyor's department. One officer should have the superintendence only. The actual execution of the works should be done by private enterprise.

The Contract System.—Private works are all well done by contract, and cheaper than public works.

Government Printing Office might be abolished altogether. There are so many private establishments: the work might be done in the latter.

Master Attendant's Department.—Throughout the whole island these officers are over-paid. They get paid for extra work for private parties, surveying ships, fishing up anchors, &c. &c. He would amalgamate the Master Attendant's department with the Customs department at each of the ports. At Trincomalie the men of war do not require the services of a master attendant. The naval storekeeper there might be required also to do the duty of master attendant. He cannot see any sufficient reason for retaining the master attendants anywhere, as regards any mercantile advantages which they confer upon the trading community. He would have an inferior officer to do the harbour-master's work and would reduce the establishments. Mr. De Waas did it very well here, when the master attendant was in England. This department should be amalgamated with the Customs. He objects to the master attendant at Galle being agent for private parties—as for the Peninsular and Oriental Company's Steamers, &c.; it interferes with his general duties.

Government Agent at Trincomalie and his establishments should be abolished: an assistant agent would be sufficient, and the office of district judge should be combined with the assistant agency. Batticaloa is a more important place than Trincomalie.

Negombo is an important point. The road from Negombo to Kurnegalle ought to be completed. The district would become more important than it is now.

Customs Department might be reduced. The abolition of the duties on exports must have reduced the amount of work. He should be disposed to recommend the head of the Customs department to be included in the civil service of the colony. At present the same individual is both an imperial and a colonial officer, and the double duties and responsibilities often run counter to each other.

Judicial Department.—The private secretaries to the judges may be abolished. The registrar or his deputy travels with the judges, which is all that can be required. The puisne judges ought to be reduced to their old rates of salary, which were high enough; abolish their travelling expenses, and give them fixed allowances to cover altogether every charge.

Savings Bank and Loan Board ought to be entirely paid out of the proceeds of their own

own funds. The class of depositors now admitted opens the door to great abuse. Parties derive the benefit for whom the benefit was not originally designed.

The Treasurer (if his office be retained without any custody of cash) ought to be *ex-officio* chairman of both Boards.

Government houses and buildings and officers' quarters ought to be newly appraised. Rent ought to be paid for all of them.

Commandant Allowances should be cut off.

Colombo Academy.—He deprecates the attempt to over-educate a few, instead of usefully educating the many. Government should avail itself as much as possible of European and native assistance, which is to be found on the spot.

The volunteer system in the public offices is essentially bad: it maintains inefficiency in those who do receive pay; no man should be allowed to work without being paid for it. He can see no reason why the whole fixed establishment of the colony should not be brought annually under the revision of the Council. He thinks that every member should be able annually to propose alterations in the fixed establishment. In fact, he would do away with the fixity of the establishment altogether. He thinks that the employment of young military officers on the roads is bad: they are inefficient, and there is a want of stability in appointments and in their proceedings. Several who had the reputation of being the best road officers are reported to have applied to be called in.

Ecclesiastical Establishments.—All the Church of England establishments are overpaid. He draws attention to the small cost at which religious instruction is afforded through dissenting missionary bodies, compared with the expense of the Church of England establishments, as paid by the colony.

4th December 1848.

Present :—Sir J. E. Tennent; Mr. MacCarthy.

Mr. Anstruther, formerly Colonial Secretary of Ceylon.

MR. ANSTRUTHER begins by observing that, in order to judge properly of the extent of reductions to be effected, it is necessary to tell him how much the Government expect to be able to spend; that is, what amount of revenue they hope to realize. The question is, what establishments it will be necessary permanently to maintain for the efficiency of the public service? Mr. Anstruther thinks the prospects of the revenue for future years must be rather unfavourable, because the colony will be likely to fall back; at least, that is his opinion.

The expenditure must, therefore, be calculated upon much lower receipts.

It is here remarked by the Committee, in reply to Mr. Anstruther, that a revenue of at least 400,000 *l.* is looked forward to for the next year.

To this Mr. Anstruther replies, if that amount can be realized, it ought to be amply sufficient for the effective administration of the Government.

Governor's Establishment.—Mr. Anstruther thinks there is not room in this colony for a really efficient Governor and an efficient Colonial Secretary also. Colonial Office patronage demands that there shall be a Governor in all colonies, but if there is a real man of business as Governor (which is seldom the case), he ought to do a great part of the business himself.

He thinks the East India Company would govern this island for about 25,000 *l.* a year, as far as concerns the mere civil administration. A Governor should be appointed permanently, at least so long as he gives satisfaction, and he should do his own business; salary 3,500 *l.* would suffice. His objection to a high salary for a Governor is, that it makes the office an object of mere patronage. The Governor himself should have no original patronage whatever; that is, he should appoint no one in the first instance. All new appointments should be made by the Secretary of State from home. The Governor should only have power to appoint to situations those born in or long resident in the colony. Before 1833, all civil servants were appointed from home; they were better men and were better paid. The system of reduced pay and the abolition of the old original civil service was introduced by the Commission in 1833. The change was partly made for economy's sake, partly for fear of a great increase of the pension charges, and partly for appearance sake; that is, to make it look as if the Commission really had done something.

It is an undoubted fact that the service has languished ever since.

At present a Colonial Secretary with 1,500 *l.* a year, and two assistants with 1,000 *l.* to 1,200 *l.* each, would be the best arrangement for the simple administration of the Government, as regards the Colonial Secretary's Office.

Treasurer and Auditor.—Both are overpaid already. He thinks the audit work might be done in the Colonial Secretary's Office if there were proper assistance. It must be remembered that the Audit Office in England is now within six weeks' communication; it is mainly a clerk's department, a system of petty routine.

The Treasurer should never have to do with the custody of cash; the money of Government should be lodged in the bank.

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Mr. MacCarthy remarks, that the whole of the new system of accounts turns upon the existence of a Treasurer and an Auditor. The Treasurer is a pivot of the whole system.

Mr. Anstruther proceeds to observe, that the reductions, if they are to be large, must be selected from those heads of expenditure in which reductions can with least difficulty be effected.

Mr. Anstruther was a party to certain increases of salary; but at that time the prospects of the revenue were very favourable. He does not think that the salaries should be made to rise or fall with the rise or fall of the revenue; that would be both an inconvenient and a dangerous practice. He does not mean to say that any of the offices are at present really overpaid, if you can find money to pay them. He certainly is of opinion that it would be better to reduce the number of offices rather than to reduce the salaries of those which must be retained. If that is still not reduction enough, you must cut off the increases made to the salaries in 1845, partly at Mr. Anstruther's suggestion; and if that will not do, then it is evident you must reduce the original salaries of the offices. Find out first what offices can be abolished altogether without destroying the efficiency and respectability of the service. He would say, have few offices, and let them be well paid, and make the responsibility great.

In answer to a question about roads, Mr. Anstruther observes, that the Ambegamoa road is a mere planter's road. If European enterprise really fails, you must abandon the Ambegamoa road, and perhaps others.

Government Agent's Department.—Putlam was erected into an agency at his suggestions; it was thought that the additional revenue would suffice to meet the additional expense; but if you cannot see any adequate advantage to be derived from the agency, it should be abolished. He would rather abolish this sixth agency than reduce the salaries of the others.

It is a question whether it would be worth while to abolish the agency of Trincomalie. The habits of the Tamil people are quite different from those of the Singhalese.

The whole Central Province is Singhalese: a knowledge of that language would be of little use among the Malabars. The Northern Province is already too large; Trincomalie could hardly be added on to it.

The Western Province is the most important; its population amounts to about half a million, and the responsibility of the agency altogether is very great.

Civil Engineer, Commissioner of Roads, and Surveyor-General.—He would abolish the whole of these three departments, as they are at present constituted, and would adopt some one system and some one department for the whole, upon a less expensive and more efficient footing. The waste of money in these three departments is enormous. They were established partly by the advice of the Commissioners. They grew up by degrees into separate departments.

He was always opposed to forced labour; he made the Galle road without it. The labour was often enforced by the lash; every head of department could, in the old days, give 25 lashes, independently of his being a magistrate. The abolition of forced labour was quite indispensable; but it reduced the power of the chiefs and headmen, and diminished their opportunities of extortion. In some respects it diminished the hold of the Government over the people. He repeats that he would get rid totally of the three departments, and reorganize a totally new one on a different plan; but he is not prepared to offer one in detail.

The Pioneer Corps must be retained; it is the best and most efficient establishment in the colony, and considering its utility, it is not expensive; it enables you to have fixed skilled labour always at command.

He would employ the agents much more than at present for all purposes, both for roads and works, and would put the pioneers under the road committees.

The Road department is very bad, at least very expensive. * * * He originally advised the separation of the offices of civil engineer and surveyor-general. There were good reasons for that advice, with reference to the head of the department. He is convinced that a general survey would in ordinary times pay itself in the maritime provinces, but only in certain localities. A tax on land might still be gradually introduced without a complete survey. He is confident some plan might be devised. He would tax all lands but paddy lands (which are already sufficiently taxed), and thinks that all other lands might pay 3d. an acre, cultivated or uncultivated.

The details of a general survey would be endless. The infinite division of property would be an insuperable obstacle; but he would make the payment of tax to Government evidence of occupation, and that occupation would be *primâ facie* evidence of right.

Principal Medical Officer's Establishment.—The Vaccine establishment is absolutely necessary, although it is very extensive. It has seen great eruptions of small-pox, dangerous epidemics, and vast expense incurred by Government in consequence, as well as suffering among the people.

Botanic Garden, Paradenia.—Is in a great degree useless for colonial purposes. If it is advantageous for imperial purposes, then imperial funds should pay for it.

Master

Master Attendant's Department.—This might be greatly reduced : one may be necessary here at Colombo ; one at Trincomalie ; one at Galle ; but none others are required, and no assistants are at all necessary. Perhaps none is required at Trincomalie, and they may all be put upon a lower scale as simple harbour-masters.

"Seaford" Steamer costs 2,500 l.—You could hire a vessel to look after the pearl banks for 500 l. a year. He never would have recommended a steamer to be purchased, except under the idea that the pearl fishery would be a permanent and regular source of revenue. He thinks that a concurrence of peculiar circumstances not yet perfectly ascertained, is necessary to make the spawn of the pearl oyster attach itself to the banks. Every year you see quantities of spawn floating on the surface, and washed ashore, but the spawn disappears, is carried out to sea, or is devoured by fish, particularly by turtle. He admits that all his own calculations about an annual pearl fishery were erroneous, as the event has proved.

A question is asked with reference to the salaries of the Government agents, to which Mr. Anstruther replies, that he does not think the agents are overpaid, but if you cannot afford to pay the present salaries, you must cut off the augmentations made in 1845.

The assistants are not all necessary, nor are all the writers.

Ratnapoora Assistant Agent and District Judge.—One man would be quite enough to do the whole work, instead of two as at present.

Badulla.—One man quite enough to do both duties also ; military officers used formerly to be employed in civil duties with economy and advantage to the public service.

The officers themselves improve very much in their general habits, and money is saved to Government.

Putlam.—We could get rid of the agent, and put an assistant agent there to act as magistrate also ; both offices might be combined in one. A much smaller establishment would suffice.

Kornegalle.—Cannot make any alterations at Kornegalle, a district judge is really necessary, as the business is, and always used to be, very considerable.

Southern Province, Galle.—Does not think an assistant agent necessary at Galle, if the agent be an active man.

Matura.—Two persons appear to be necessary at Matura, to do the criminal and revenue business, which is very large at that station. But at present there are three persons to do what might be done by two.

Humbantotte.—Could not make any alteration.

Eastern Province.—There can be no necessity for an assistant at Trincomalie, or a writer. The business there is not heavy, and the revenue is small. The judicial business is also light, and might be done at less expense.

Jaffna.—The agent requires an assistant agent, and ought to be a great deal absent from Jaffna itself ; it is a large province ; perhaps a writer is not necessary.

Munnaar.—Necessary ; but the site of the assistant agency might be changed.

Nuwerahalawia.—The utility of an assistant agency is questionable ; but he is also district judge, and Mr. Dyke is much in favour of the assistant agency.

Kandy.—Can hardly do without an assistant. The Customs department is being revised at home, at least so it is reported. It is already not expensive. The Post-office is well administered.

Ecclesiastical Establishment.—He thinks it is quite overgrown. We cannot maintain so large an establishment for a State church.

We may get rid of a part of the establishment, the bishop in particular. Two or three chaplains are all that would be necessary, and an archdeacon under the Indian metropolitan would suffice.

Schools.—This is a special branch of inquiry ; it would be a bad policy to diminish the number of schools, even as a matter conducive to the revenue : he thinks the extension of education the most important thing to be maintained in the colony.

Mr. Anstruther had framed a scheme a long time ago for devoting a portion of the Dewale lands to purposes of education. It was a mistake in our earlier policy to class the Dewale possessions with temple lands. The Basnaik Nilleme of a Dewale was originally a King's officer, appointed to administer the Dewale lands for the King. He thinks the Dewale lands might have been taxed, or at any rate more advantageously administered for the public. A valuable opportunity was lost, when the Buddhist priests were lately exempted from the Road Ordinance : their lands ought to have been taxed then ; at least they might have been told that if they would not work, the value of their commutation must be paid out of the proceeds of the temple lands. This would soon have led the way to taxation, at all events of the Dewale lands. He was aware that many people doubted the policy of this proposal, but he felt certain that the priests were quite in the hands of Government there, and would have acquiesced in any arrangement.

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6th December 1848.

Present :—Hon. Sir J. E. Tennent, Hon. Mr. MacCarthy.

Mr. ANSTRUTHER.

Judicial Establishments.

THE salaries of the judges must be reduced, if those of the Government agents are reduced. He would abolish the private secretaries of the judges altogether.

Formerly it was intended that one judge should reside at Jaffna, and do all the criminal as well as civil business, thereby saving the cost of the district court, and travelling expenses of the Supreme Court: 3,000*l.* to 4,000*l.* a year would be saved.

The other two might reside at Colombo, and go on circuit to Galle and Kandy, and the junior might do all the district court work at Colombo. He would do away with the registrars of the Supreme Court, and would do away with the district court of Colombo entirely.

There might be a large saving in clerks and establishments by the adoption of this plan.

If necessary, the judge at Jaffna could be sent for occasionally, to attend any great appeal case at Colombo.

A general and much wanted improvement in the police magistrates might be effected. They are all intentionally made inefficient, that is, they become so through the interference of the Supreme Court. They at present do nothing whatever out of court; they always put off every case or complaint until it is judicially brought before them in the regular routine of business.

The police vidahns are appointed by the agents, but they are not responsible to the agents, nor are the latter responsible for the performance of the duties of the former.

The police are not uncommonly themselves the actual thieves; they are entirely inefficient; that is the police vidahns.

The police magistrates have really no control over them.

Queen's Advocate.—Of course if you reduce the pay of the other departments, you must reduce that of the Queen's Advocate also.

Deputies to the Queen's Advocate.—A deputy is necessary for the whole island. You may get rid of one deputy at Jaffna.

DISTRICT COURTS.

Colombo.—Abolish the court, and the greater part of the establishment.

Kandy.—Reduce the pay of the district judge to 800*l.* a year. It is quite enough, particularly if, as must probably be the case, the members of the local bar should ultimately be appointed to the district bench.

Galle.—The duties of the district court and police magistrate might both be done by one person at Galle.

Matura.—The district judge and police magistrate may be united at Matura. Only one person necessary for the judicial business.

Tangalle.—Take away the district judgeship, and reduce it to a court of requests and police magistrate conjoined, at 300*l.* a-year.

Kornegalle.—You must have a district court at Kornegalle. There is no police magistrate there as a distinct officer; the business is considerable.

Badulla and Ratnapoora.—Both district courts and police courts may be united in both these places.

Caltura.—You might abolish the district court and retain the police court only.

Does not think the police court could be removed to Bentotte; it is a very populous district.

Chilaw.—A district court is necessary, and a police magistracy united with it.

Calpenty.—A magistrate is enough.

Manaar.—No alteration; a district court, court of requests, and police court, all in one, added to the assistant agency.

Newerakalawia.—Unite both the agency and the district court, but might possibly change the place of residence.

Jaffna.—Abolish the district court, retaining a commissioner of requests and police magistrate as a district officer. The Supreme Court to be permanent there.

Trincomalie.—The district judge, commissioner of requests and police magistrate may be reduced to 650*l.* per annum. The duties are very moderate.

Batticaloa.—The assistant agency district judgeship, and commissioner of requests, and police magistrate, may be altogether united in one individual. A commissioner of requests at Colombo is necessary, but with reduced salary; 400*l.* per annum would be enough. A police magistrate at Colombo is also necessary. The business is very heavy. But perhaps 400*l.* or 450*l.* per annum would be enough.

Negombo must remain the same, unless you had a district judgeship to the magistracy.

Madawellattenne Court may be abolished.

Rickellegaskadde to be abolished.

It is suggested that there would be great advantage in appointing European justices of the peace, with police vidahns under their orders.

It was a great pity that the judicial and police authority was taken away entirely from the Government agents.

Mr.

Mr. Cameron's object and policy was to give all authority to the district judges, and to take it away from the agents. The police of the country has been growing worse and worse ever since. You will do no good towards the peace and tranquillity of the country until you make the agents responsible for the police of their own districts.

The court of requests at Galle may be abolished. The court of requests at Matura may be abolished.

At Tangalle he would retain simply the police magistrate, at 300*l*.

Abolish the district court.

Commissioner of requests and police magistrate of Jaffna must be retained, at 400*l*.

Point Pedro.—It is an important post; it ought to be occupied by an intelligent and experienced European.

Chavagacherry is required.

Coyts is required.

The assistant agency, and all together, is united. Mr. Anstruther recommends that the police magistracies should be opened to the members of the local bar; it would improve the tone of the bar, and you would get better magistrates.

Fiscal's Department.—It is very inefficient and bad; but he really is at a loss to say how any improvement can be made in it.

Native Headmen.—The exemptions from taxation of the headmen ought to be put an end to. The salaries of paid headmen were intended to be a substitute for exemption from taxation. Exemption of any class is very bad in principle. You cannot alter the system of headmen at present, but you may improve it—make it more effective. They cannot be dispensed with. They are the mouth-piece of the Government.

Military: Major-General Commanding.—Does not think that a major-general is really necessary in Ceylon for colonial purposes. The colony is at present saddled with the expense of rewarding services not actually rendered to it.

The deputy adjutant-general and deputy quartermaster-general are unnecessary.

But staff officers at Colombo and Kandy are required.

The special allowances of commandants should be abolished.

A question is raised with regard to compensations to be awarded to persons who lose their situations. Mr. Anstruther observes, that it will be necessary to take into consideration the particular cases. You must have a general rule, but in order to make it fit special cases, you must have special allowances.

There must be gradations according to the time and circumstances of the original appointments. Some few gentlemen have been picked up here, and were born in, or have friends living in the colony. It will be much better to lay down your whole scheme first, and then consider the cases of individuals and the amount required to make fair compensation to the sufferers.

Pension Scheme.—It must be cut up root and branch. It appears to him to be the most alarming thing possible for the future prospects of the colony.

It is difficult to calculate to what amount the pensions may not annually increase, and there is no permanent invested fund out of which those pensions can be paid with certainty.

6th February 1849.

Present :—Hon. Mr. Templer, Hon. Mr. MacCarthy.

Mr. WODEHOUSE.

HAVING read over Mr. Selby's notes upon the judicial system, with his suggestions for its improvement as given before the Committee, and being well acquainted with the plan as originally proposed by Mr. Selby, Mr. Wodehouse is disposed to regard the modifications he has now made in his original plan as decided improvements. He felt great doubts whether the introduction of the jury system in civil cases would be useful, or even practicable. He also objects to the remission of "fact" for trial to a different court from that in which the law was to be tried.

He rather objects to the divisions of districts for judicial purposes proposed by Mr. Selby. As a general rule, the divisions or districts should be similar for judicial and for revenue purposes. There are many reasons why this would be convenient in practice. At present, for instance, the district of Kaigalle is within the agency of the Western Province for revenue purposes, and within the Central Province for judicial purposes. Many delays and inconveniences result from this arrangement, both to the public service and to individuals. Mr. Selby's proposed divisions are calculated to keep up or rather to restore the unity of the Kandian districts, to which there are many objections. Mr. Wodehouse would try to obviate by every possible means the rejunction or concentration of the Kandian districts such as they formerly existed.

There should be no such thing as Kandian; every effort should be made to amalgamate the people of the upper and the lower country, and not to concentrate the inhabitants of the upper country upon Kandy itself. If the country is to be governed with any degree of uniformity, all distinctions between the Singhalese themselves must be avoided as much as possible in the Singhalese portion of the island.

Assuming, then, that it is desirable to establish the same divisions for judicial and

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for revenue purposes, he should nevertheless object very strongly to the abolition of the agency of Putlam or the North-western Province.

Putlam could not well be added on to the Western Province. Mr. Wodehouse was a strong advocate for the formation of this agency. It is out of the way, and at an inconvenient distance, and therefore cannot be conveniently attached to the Western Province; but if the agency be retained, Kornegalle might be made the chief residence of the agent, and might be the head station of the province, an assistant only being stationed at Putlam.

Kornegalle is at present the most important part of that province. It has long been one of the most neglected districts in the island; its revenue has been generally in arrear, and the people have been always troublesome.

It has occurred to Mr. Wodehouse to suggest, as an alternative preferable to that of abolishing either the agency of Putlam or Kornegalle, that it would be less disadvantageous to abolish the agency of Kandy. It would probably be more advantageous than to join Putlam to the Western Province. The seat of the agency of Kandy might, in that case, be transferred to some other place, though it would involve, to a great extent, a remodelling of the province. All parts of the Central Province are very accessible; the greater part of Matelle is as near to Kornegalle as it is to Kandy. As regards the town of Kandy, the mere presence or residence of the Government agent is a matter of small importance, and the same remark also applies to Colombo. He thinks the system of Government required for the management of those two chief towns is of a very different kind from that required for the rural districts. In the latter the Government agents ought to be the principal authorities in whose hands all the departments should centre within their province. They should be responsible for the police and the general administration of the Government within the province; but in the actual towns of Colombo and Kandy they ought to interfere as little as possible. The management of the towns should be left to the particular authorities who are more immediately connected with them: municipal institutions would spring up, and means would be found advantageous for the due administration of their local affairs. Mr. Wodehouse is rather inclined to think that there ought not to be any fixed stations for the permanent residence of the assistant agents; each province should have an agent, and so many assistant agents, who should not be fixed at any particular place; but they should go from time to time to whatever part of the province they might be ordered by the agent, who must himself also itinerate throughout his province at particular seasons. For instance, in this, the Western Province, an agent, two assistants, and a writer, would be quite sufficient for the whole work of the province, instead of three assistants and a writer as at present. He is convinced that he could do the whole work of his province with the present office establishment of the Colombo cutcherry alone, which, however, under the present system of administration would bear some reduction. This business of the office has, in fact, become much reduced since the sales of land have fallen off. Although he is of opinion that it would not be expedient to combine the offices of assistant agent and district magistrate, he is nevertheless convinced that magisterial powers of some magnitude should be given to the agents and their assistants, for the following reasons:—the origin of almost all that goes wrong now in the administration of this colony has originated out of two great errors committed under a former Government, that is, under former Secretaries of State, viz. :—

1st. The abolition of compulsory labour suddenly in 1833, and without obtaining any equivalent or compensating benefit as far as the local Government is concerned.

2d. The abolition of the old civil service, without introducing anything better or so good. The whole system of Government, indeed every institution in the country was connected more or less with the institution of forced labour, that is to say, of services to be rendered by the people to the Government.

In consequence of the abolition of this system without the substitution of any other machinery, the people obtained, and now have the power of doing almost anything they please, according to their own wish—every man after his own fashion, without any regard to the convenience of his neighbour or the orders of the Government. But they are still in the habit of referring to and addressing complaints of every kind to the Government agents; they have not got out of that practice yet, and great good might still be done if the agents possessed the power of enforcing the orders of Government, or even their own orders, without being compelled to resort to courts of law; in fact, the agent ought to have police powers in all matters connected with the business of the agency. Now the Road Ordinance is the first step yet taken towards teaching the people that they are not now and will not be permitted to become absolutely their own masters. The present system which compels an agent to go into a court of law for every trifling matter has the effect of preventing anything being done whatever. There is really no power to carry out the necessary orders of Government. He would not propose to give to the agents more than magisterial powers, nor compel them to hear everything that might be brought before them; they should simply possess the power of dealing with those cases which have reference to the revenue business of the cutcherry.

A criminal code is very much wanted already—nothing so much—and it would become even more necessary under the proposed system of Mr. Selby. He would scarcely like to interfere much with the present divisions of the island. Any new divisions must of course be experimental, and it would perhaps scarcely do at present to make any great sudden changes whatever; nevertheless, a new division like the following might possibly answer the purpose very well for revenue matters :—

There

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There might be five instead of six provinces, abolishing the agency of Trincomalie.
 Colombo, Kaigalle, Kandy, including Doombere, Kotmale, Ratnapoora.
 The North-Western Province to comprise Kornegalle, Matelle with Tumpane, Putlam,
 Calpentyn, part of Nuwerakalawya.
 Bidulla, Bintenne, Walapane, Batticaloa, Welasse.
 Galle as it is.
 Jaffna, Manaar, Trincomalie, part of Newerakalawya.
 The above is merely a suggestion, upon which much consideration is required.

Western.
 North-Western
 Province,
 Central Province.
 Southern.
 Northern.

7th February 1849.

Present :—Hon. Mr. Templer, Hon. Mr. MacCarthy.

MR. WODEHOUSE.—CIVIL SERVICE.

ASSUMING that the Judges of the Supreme Court, whether five or four or three in number, are to be professional barristers, the civil service, as such, should be in that case limited to the revenue and civil branches, inasmuch as the remaining judicial appointments contemplated by Mr. Selby, taken by themselves, would not be worth the acceptance of gentlemen whom it would be desirable to have for the civil service. But it is, of course, still an open question, as the adoption of any part of Mr. Selby's scheme, and if any, how much? Under the new arrangement of the service which Mr. Wodehouse proposes, it would be an exclusive and a covenanted service, the members of which should be nominated at their first entrance by the Secretary of State alone, and should undergo a certain preliminary and special education preparatory to their permanent appointment. The salaries of the civil servants should be on a liberal scale; pensions should be allowed, and should be regarded as a right after a certain number of years, but consequent upon subscription to a pension fund, according to a definite scale and to a certain amount.

Members of the service leaving the island, except for a very limited period, perhaps of six weeks, should, as is the case in India, absolutely vacate their situations, and on their return to the colony should receive an unemployed allowance, until a vacancy should arise. Nothing can be more inconvenient in practice than the present system of acting appointments.

The service would then probably comprise,—

1. Colonial Secretary.
 2. Principal Assistant Secretary.
 3. Second Assistant Secretary.
 4. Treasurer.
 5. Auditor-general.
 6. One Collector of Customs, perhaps the Controller.
- The five Agents of Provinces.
 The Assistant Government Agents.

At present there are—

In the Western Province, three assistants and one writer.
 In the Southern Province, three assistants, no writer.
 In the North-Western, one assistant and one writer.
 In the Northern, three assistants and one writer.
 In the Eastern, two assistants only.
 In the Central, four assistants only.

We may assume that there will be always four writers on the establishment. Suppose the agency of Trincomalie to be abolished, the service might stand thus :—

Colombo.—An agent, two assistants and one writer.
 Jaffna.—Agent, three assistants and one writer.
 Galle.—Agent, two assistants and one writer.
 Putlam.—Agent, one assistant and two writers.
 Kandy.—Agent and three assistants.

That would comprise 11 assistants instead of 16. Perhaps the Registrar-general of Marriages, Births and Deaths (if the Ordinance be worked) should also be added. If this office be included, there would be altogether in the service 27 officers in the civil service, including writers.

The Fiscal for Colombo might be also included, likewise the Postmaster-general, and assuredly the settlement officer.

These last would make the whole number about 30.

No claim should accrue to a pension under 15 years of positive service in the colony; the next gradation should be for 20 years, the next 26 years. A limited period, say of one year, might be allowed to count as service for members absent from the colony on sick certificate.

The pension fund should be kept as a distinct thing, and should be invested in the name of trustees, in English securities. Every member ought to be compelled to make

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good a certain contribution towards the pension fund before he should be entitled to the lowest scale of pension.

The scale of pensions might be at the rate of one-third of the amount of the retiring salary after 15 years, one-half after 20 years, two-thirds after 25 years; but in all cases to be dependent upon the parties having contributed at least a certain regulated amount towards the pension fund.

As a general rule, seniority should be the guide to promotion, but not so as to debar the Government from passing over an incompetent or ineligible person, or to preclude the selection of any officer possessing special qualifications for a particular office.

All writers should be appointed by the Secretary of State, but local appointments and promotions within the colony should be made at the recommendation of the Governor and Executive Council. Writers should, on their first appointment, get not less than 300 *l.* a year, as they used formerly to do.

Mr. Wodehouse rather inclines to the opinion that mischief arises at present from having assistant agents fixed in particular places. It would be far better to let them itinerate throughout the province to which they belong, and to visit certain places, and remain there only a short defined period, and then to go to some other place at another suitable season. These visits would be regulated a good deal by the grain sales, salt collections, &c. Assistant agents at present have no real power of their own within their districts; they cannot carry out their own views, and they cannot readily be compelled to carry out other people's. Their views, and those of their immediate superiors, the agents, often do not exactly coincide.

In remodelling the service, probably it would be better to abolish the existing service entirely, and reconstruct a new one, bringing into it such individuals of the former service as might be looked upon as the most eligible, or who might be found to possess the strongest claims. But if that were not to be done, it would be a great injustice to say that one person should be retained and another should be removed, merely on account of the offices which they happened to hold at the time being either retained or abolished, as the case might be. Indeed, an individual whose office may happen to be abolished, may, in reality, be better fitted to fill one of the offices which are retained than the actual occupant of it.

8th February 1849.

Present:—Hon. Mr. Templer, Hon. Mr. MacCarthy.

MR. WODEHOUSE.—ESTABLISHMENTS.

The Governor.—ALTHOUGH one or two persons have gone the length of questioning whether a Governor, as such, and holding his appointment as he now does, is really necessary for the government of the colony. Mr. Wodehouse is clearly of opinion that a Governor is indispensable, and that he ought to be a very efficient man. He thinks that 6,000 *l.* a year ought to be quite sufficient to induce a very good man to accept it, in the present state of the world. The selection in that case must be made irrespective of party connexion. If the selection be well made, a military man would be generally found the best; at least you get a better man for the money among military men; one reason being, that that they have been used to exercise authority all their lives, and have been employed in colonies in their routine of service in younger days.

They are also more in the habit of studying the character of individuals, such as they meet with in the course of their official routine.

As general officers, they should have the command of the forces without additional pay; all allowances should be included in the 6,000 *l.* per annum. In answer to a question, he replied, Why should there be any necessity for having the salary of the Governor paid by the Home Government? 6,000 *l.* a year is not too much for the colony to pay for a good Governor. The term of service should be the same as at present, viz., six years.

The machinery of Government in the colony itself would probably go on best with a military Governor; but as a check upon the power which would thus be conferred on one man, the Governor should be required to obey in their literal sense the Royal Instructions, particularly as regards the obligation to consult his Executive Council in all things; upon this subject they are very explicit. He does not, in expressing this opinion, allude to any one particular Governor, but to all the Governors whom he has yet seen. He is speaking, in fact, rather with reference to the office of Governor than to any individual Governor. He would not take away the power which the Governor possesses of acting in opposition to the majority of his Council. He would make it a matter of duty to submit all public matters of every description to the Council, and all orders should be issued in the name of the Governor and Council. He would extend this even to questions of appointments and of patronage, as well as to questions of administration. Many things which now bring great odium upon the authority of the Government would in that case be obviated. The public would have greater confidence in the administration generally. Until a system of this kind be strictly followed, he doubts if any real improvement in the administration of the colony can take place.

With respect to a proposal suggested by Mr. MacCarthy, of excluding the Treasurer, the

the Auditor, and the Queen's Advocate from the Executive Council, and appointing one paid officer as member of the Council with nothing else to do but to attend to the Council business, Mr. Wodehouse does not concur in Mr. MacCarthy's views upon that subject. Mr. Wodehouse thinks that the heads of the principal departments should, as at present, be *ex-officio* members of the Executive Council in a small community such as this.

The insight which they must at all times obtain into the whole business of the separate branches of the public administration must be found advantageous in the deliberations of Council. Public servants become more useful members of Council in consequence of their being heads of departments.

He thinks the Queen's Advocate must of necessity be a member of Council. The Colonial Secretary, in fact, ought to stand much in the position of the one member of Council to whom Mr. MacCarthy has alluded. The Council would, under the arrangement suggested, have to do a great part of what is now the Colonial Secretary's work.

The Executive Council thus made use of would be far better than the two Councils at present existing. The Legislative Council is useless; and yet it might not now be easy to get rid of it, as it is in existence, such as it is.

Nevertheless, if the Legislative Council must be retained, it would be better to make the unofficial members in some way or other elective; at present they take no useful part in public business, not so much owing to any want of ability as to the absence of any acknowledged responsibility either to a constituency or to the Government who appoints them.

The Governor's salary should include all allowances and all travelling expenses. He would not give a daily allowance or a yearly sum on account of travelling allowances. He would rather add something on to the salary itself, and make travelling an understood part of a Governor's duty.

Colonial Secretary.—If the Governor only gets 6,000*l.* a year, the Colonial Secretary would be amply paid at 2,000*l.*, and quite in proportion to what he thinks the salaries of other offices should be, bearing in mind the prospect of adequate pension; 1,000*l.* per annum to the first Assistant Colonial Secretary; 600*l.* to second Assistant. Does not approve of the gradual augmentations of salaries according to the present scale. He would rather give good salaries to the different offices in the first instance, and no augmentations.

Treasurer.—Instead of supporting the recommendation made by Mr. Templer—that a European instead of a native cashier should be employed—Mr. Wodehouse thinks that a European would be best employed as head of the office department, and to act as assistant treasurer or something of that kind, and not as cashier. This supposes that the Treasurer would continue to be a member of the Executive Council, and would be a great deal employed out of his office. The Assistant Treasurer should of course act as head clerk and head cashier jointly. A good person, a member of the regular service, ought to be appointed, with 500*l.* a year salary; 100*l.* would be saved out of the native cashier's salary in that case (reducing it from 250*l.* to 150*l.*), and 200*l.* would be saved in the head clerk. Mr. Wodehouse thinks that probably the whole amount might be saved out of the establishment.

Auditor-General.—The continuance of the Auditor-General on his present footing should depend upon his position as an efficient working member of the Executive Council, of which he ought to be one of the most active and useful.

No man can have better opportunities of knowing everything that is going on, particularly with regard to the revenue and public finances, than the Auditor-General. The head clerk of the Audit Office should certainly be a European. Almost the whole of the present establishment of the Audit Office requires renewal. There are a few good clerks in the office; but it is of very great consequence to all the public departments, particularly to those who have to do with the expenditure or receipt of money, that the Audit Office should be as efficient as possible. It would be a great comfort to all public officers to have their accounts well and regularly kept up in the Audit Office. He would abolish the office of Assistant Auditor-General, and have merely a head clerk in his place; a European with 300*l.* a-year.

The successor to the present Auditor-General will lose the additional 250*l.* lately added to his salary.

Does not quite concur in the proposed classification of clerks. No doubt something of that kind would be desirable if it could be carried out, but it has before been tried and failed.

The difficulty would arise principally with regard to the out-stations. It is very difficult now to get clerks at any time to go to out-stations: the pay is small; besides which a clerk would rather stay in Colombo at a low salary than take a higher one, and live at a distance from it. It would be very hard to deny to clerks at out-stations all chance of getting appointed to one of the principal offices in Colombo.

The difficulty is immense of inducing clerks of any kind to go to out-stations. Those who do go ought not to be debarred the chance of promotion to an office in Colombo.

The whole plan of classification of clerks requires further consideration. The proposed salaries are quite sufficient, but the details of the plan will be found so difficult to work, that the whole thing may fall to the ground.

Civil Engineer and Commissioner of Roads.—If these two departments are to be united, the head of them ought to be a very efficient professional man, educated as an engineer. You would also require three professional assistants on the fixed establishment for the

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whole island; all the other assistants would be engaged when wanted, on the provisional establishment only.

A good professional engineer ought to be able to trace new roads as well as make them.

The surveyor-general and the civil engineer ought to consult together, and co-operate with each other in all that relates to the opening of new lines of road.

One professional head of the new department with 1,200*l.* a year, and no fixed allowances would be sufficient for the efficient management of all the roads, public buildings, and civil engineering business. His three fixed assistants should have 500*l.* each. They should have no fixed allowances. All of them would draw travelling expenses.

With regard to employing the Royal Engineers in civil works, he has seen much correspondence upon the subject, and many trials have been made; but he has always found that the rules and practice of the Ordnance department are so strict that he has never found it advantageous, in the long run, to employ the Royal Engineers in civil works.

Of course there could be no objection to employ the four subdivisions of pioneers, or indeed the whole body of the pioneers, in working under the road committees when the Road Ordinance is brought into full operation: the committees would of course have to pay for the hire of them; but this arrangement would not require any new regulations.

Medical Establishment.—Although this establishment certainly appears to be large, still Mr. Wodehouse thinks that the portion of it which comprises the sub-assistants cannot be considered too large. If a sickly season were to set in you would scarcely even have medical sub-assistants enough. The clerks and officers of the public establishments would suffer greatly at out-stations; and generally the sub-assistants themselves also fall sick.

The duty of attending the troops also becomes more heavy. It is useful at all times to the sub-assistants that they should have an opportunity of attending military hospitals; it is the only time when they are strictly under observation, and the only opportunity they have of improvement. He refers to the correspondence which passed with Government and Dr. Stewart, about 1838, upon the subject of the Medical department. From his own observation, and judging from the complaints which have been publicly made for many years past, it would appear that the relative treatment of the sub-assistants in their relations with the head of the department would at present admit of great improvement. If the system of sending medical students to Calcutta be continued (which is doubtless the best under all circumstances), it would be very desirable that greater vigilance should be exercised over them; they require to be kept under great control. Complaints have been frequently made of their misbehaviour on their return. Communication might be made to the Bengal Government with the above object. If they were to be kept altogether in stricter discipline while at Calcutta, the system of education which is followed there would prove to be much better than there would be just reason to hope to be able to provide for them in the colony, with any reasonable amount of expense.

Botanical Establishment.—He does not think it should be abolished. If you have a good superintendent, a highly scientific energetic man, it would not do to reduce his establishment too low. You should get all you can out of a good man.

Master Attendant's Department.—One officer instead of two would be quite sufficient at Colombo. Perhaps there is no necessity for a master attendant at Trincomalie, at least for colonial purposes. If it is necessary for the naval service, the Admiralty ought to pay for it, and appoint an officer of their own.

Post Office.—Penny postage would not be likely to succeed here; it would be a good plan, however, to have stamps for the payment of postage; of course three or four rates of stamps would be necessary, and they should be sold in all parts of the island.

Police.—The extension of the police force to the four out-stations recommended by Mr. MacCartney might be probably very advantageous in itself, but at the present time it would not do to extend the assessment to those villages so as to cover the cost of additional force. It would raise a cry. It would, moreover, be difficult to ascertain the value of the properties to be assessed in many places.

With regard to the rural police, he sees no objection to its being placed under the Government agents, provided you give the agent magisterial powers and that it is the wish of Government to support the influence and authority of the agents among the native population. That in reality he believes to be what is most wanted at present for the proper government of the people.

Reverting to the question of assistant agents being empowered to act as magistrates, he is of opinion that it would be much better to have fewer assistants unfettered altogether by magisterial duties, and to take the salaries which would thus be saved, and apply them to the payment of magistrates disconnected from all revenue duties. In that case military officers might be most usefully and economically employed as magistrates, particularly at military stations.

Kaigalle.—With this view, the assistant agency at Kaigalle might be abolished, together with the establishment of his office. It would involve no increase to the establishment of the police magistrate, nor any increase in the cutcherry establishment of Colombo.

Ratnapoora.—If stationary assistant agents are to be retained as at present, one of them must be stationed at Ratnapoora. There ought also to be a small detachment of troops stationed at Ratnapoora, in which case the officer in command could act as magistrate likewise.

Badulla,

Badulla, for instance, might be managed in this way; a major might command the station, and do the magistrate's duty. In that case you save the command allowance of the station.

Government Agents.—The salaries of the agents do not require alteration except as regards Jaffna, which might possibly be reduced on account of the cheapness of the place to 1,200*l.* If Jaffna be kept at the same rate, Galle should be increased.

He is not prepared to say what the salary of the assistant agents ought to be; if you remodel the service, and only keep a few of the assistants, they ought to receive a good salary and no augmentations.

Colombo Cutcherry—One clerk is already transferred to the Treasury, at 90*l.* He can also spare three more, but is not quite prepared to say at what salaries at present.

The shroff and four conicoplies cannot be dispensed with, more especially if Kaigalle be abolished; additional work will accrue from the operation of the Road Ordinance.

The translating establishment will also bear reduction, but he is not prepared to say exactly to what extent at this moment.

Possibly the arachy of the four gravets may be dispensed with. Several persons in the grain department may be dispensed with.

All the civil establishment connected with the working of the Marriage Ordinance will require revision.

Mineralogical and Geological Surveyor is already reduced.

The travelling allowance of peons is too large, 4½*d.* a day to 6*d.* is quite enough in this province, instead of 7*d.*

A small detachment of troops at Ratnapoora, as before suggested, might save some expense; you would get rid of the cutcherry guards, for instance.

The allowances to fisher headmen will gradually fall in. They were given in compensation for the loss of certain privileges they enjoyed during the existence of the fish tax.

With regard to the Judicial department, Mr. Wodehouse thinks that if any modified plan of administration founded on Mr. Selby's views were to be adopted, it would be necessary that the judges should exercise their utmost vigilance, in order to compel the bar to do their duty properly towards their clients. There should be no postponement of cases once put down for trial (even with the consent of both parties), unless the judge himself were satisfied of the necessity of it; and he should make an order or record to that effect. Nothing is so much complained of at present as the annoyance and expense to which witnesses are subjected. The batta money to which they are entitled should be paid to them, when actually in attendance at the court, without any delay.

With regard to the creation of the several courts of original, civil and criminal jurisdiction, suggested by Mr. Selby as branches of the Supreme Court, if this part of the system were carried out the judge stationed at Jaffna ought to be a man of ability and high standing, with a salary of not less than 1,500*l.* a year. It would be the only Supreme Court in the Malabar districts of the island; for it could hardly be considered necessary to have another court at Trincomalie, where there would not be business enough to support it, and certainly not an efficient bar.

The judge of Jaffna should go on circuit to Trincomalie at stated periods.

The communication by water is not difficult.

The judge of Jaffna would also occasionally have to come to Colombo to sit in the Appeal Court. If the district magistrates at Trincomalie and at Batticaloa were to have jurisdiction up to 15*l.*, the business of the Supreme Court at Trincomalie would not by any means be larger.

Memorandum by Mr. Templer respecting the Treasury Department.

By the recent instructions, the Treasurer becomes the Accountant of the Civil Engineer, Commissioner of Roads, and Town Surveyor's department, or in other words, he is to pay and account for all expenses incurred by those officers individually; a duty hitherto performed by the Government agents within the six provinces, and which was wholly unconducted with this department.

These duties formerly were carried on by the aid of no less than two clerks in each province, giving a total of 12 clerks for the entire business, whereas the Treasurer is obliged to confine himself to the assistance of two, one of his own department, and another since transferred from the Colombo cutcherry.

The details of these duties are so various and complicated, that they cannot possibly be performed at the Treasury with the establishment at present allotted to it, unless the other business of the department be suffered to fall into arrear, the examination of the vouchers tendered by these departments being attended with considerable labour and requiring much attention.

The completion of the Schedules, &c., in the Form No. 3, prescribed by the 21st clause of the Instructions, is necessarily retarded, and the requisitions for the proper authority to incur the charges cannot be prepared for transmission until the accounts have undergone minute examination. I am therefore impelled to ask for two additional clerks well acquainted with the system of accounts, accounts connected with the estimates for public works, roads, &c. &c.; one I have already taken into the office from the cutcherry; another ought to be furnished from the Commissioner of Roads department; this additional assistance is indispensable, but it will be in some degree compensated by reductions in a portion of the establishment which already exists.

(signed) F. J. Templer.

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10th January 1849.

All present.

Treasury Business.

Mr. Duff, Manager of the Oriental Bank, examined.

HE could undertake only the receipts and payments on behalf of Government; he could not undertake to conduct any other portion of the Treasury business than that. The Bank could manage the cash department of the Treasury.

An account might be opened with each head of department, but nothing more. As regards receipts on behalf of Government, it would be necessary for him to be furnished with instructions from Government as to the department to the credit of which he should place each receipt.

The Bank could easily do the cashier's work, as regards the receipts and payments in account current with each head of department. This the Bank would do for nothing.

The Bank would allow the usual rate of interest of $2\frac{1}{2}$ per cent. on the daily balance of account standing to credit of Government, in the same way as with private parties.

The Bank has special agreements with some private parties, and might possibly allow 3 per cent. if the standing balance were considerable.

It must, however, be referred to Bombay, and in that case, of course, the Bank could not be expected to give security. If the Bank were required to give security, it would hand over the full value of the amount in Government paper of the East India Company; but in that case it could not allow interest on the Government deposits.

It has been before proposed that the Bank should lend the Government, as an advance, at a low rate of interest, enough cash to enable it to withdraw all the Government notes from circulation, in which case the notes of the Oriental Bank would have to take their place in the general course of trade.

The Oriental Bank notes could not be substituted for Government notes unless they were received in payment by all public departments.

The question of a Charter would have to be carefully dealt with.

You require to be armed with fuller powers on both sides. The question is touched upon by the Committee, of withdrawing the Government notes, of permitting cross-drafts between out-stations, and of the payment of Customs duties directly into the bank, instead of to the cashier of the Customs, thereby saving the shroff's department of the Customs.

No definite proposal, however, is made; Mr. Duff repeats what he stated to the Treasurer this morning, on examining the actual books and accounts of the Treasury, viz., that the Bank could not possibly undertake to carry on more than the cash department of the Treasury, that is, the receipts and payments of the actual cash on Government account. The accounting department of the general Treasury is laborious and minute in detail. Under the new system of accounts, the Treasury is the pivot upon which the whole accounting of the respective departments turn, and all the official queries arising out of the audit of the public accounts are transmitted through the Treasury; and besides the regular Treasury business, the whole of the Stamp department and the paymastership of the troops, with all the labour and the correspondence connected with them, are centred in the Treasurer. No bank could undertake any portion of these duties; all it could do would be the simple payment and receipt of cash, in a simple matter of fact way. The cashier of the Treasury and his assistant would not be required; that is all; but Mr. Duff cannot at present state whether this plan would conduce to public convenience or not, or whether it would impede or facilitate the general system of accounting.

After communicating upon subject with the Board of Directors at Bombay, Mr. Duff hands to the Committee copy of their reply, which is annexed.

Memorandum from the Board of Directors of the Oriental Bank in Bombay.

31 January 1849.

THE question of managing the Government Treasury business in Ceylon having been again mooted at Colombo, as per enclosed copy of Mr. Duff's note to the Colonial Secretary, it may be as well for the Directors to communicate their sentiments to the manager there, to enable him, if possible, to meet the Government in coming to an arrangement.

With this view it seems to me desirable for the interests of the Bank to offer the most liberal terms in our power to the Ceylon Government for conducting their business, as their only inducement to deal with us is to lessen expense in the public department, while the benefit on our side would arise from the credit of being bankers to Government, even if attended with no direct profit.

The points referred to in Mr. Duff's note as having been discussed by him with Government are,—

- 1st. The nature and extent of security to be given by the Bank for the Government balances in hand.
- 2d. The rate of interest to be allowed on such balances.
- 3d. The maintenance or withdrawal of the Government circulation.

In

In place of entering upon these matters of detail by themselves, it may be better to glance at the general scope of the question in the first instance, and then to dispose of the details as they occur.

It may be taken for granted that the only object of Government in entertaining so important a proposition, as making use of the Bank and dispensing with its own Treasury, is to save the expense of the latter establishment, and it is assumed that the points for consideration with this view are,—

- 1st. The ability of the Bank to discharge the functions now imposed upon the Treasury department.
- 2d. The amount of risk involved in the change contemplated.
- 3d. The annual saving to Government to arise from the change, if determined on.

On the first point there are no data before us to enable us to speak with sufficient confidence, but if the duties of the Treasurer are confined to receiving and giving vouchers for sums paid in on account of Government, and to making payments on vouchers duly authorised on the part of Government, I conceive it to be quite competent for the Bank to undertake the business in the same manner as for an ordinary constituent, and to provide a separate department for this account, if necessary, quite distinct from other transactions. If the receipts and payments are numerous or intricate, as they probably are, an extra establishment of shroffs and account-keepers will be requisite, and the arrangements should embrace ready access to the Government offices for checking and auditing the accounts and cash balance.

As regards the second point named, viz., “the risk involved by the change,” the same appears to be of so simple a nature as to be very easily provided against, and not only so, but the existing risk entailed on Government by the present system, arising from fraud or robbery, would be very much lessened, if not entirely done away with, the proprietors of the Bank being responsible for the care and appropriation of the sums placed in it on account of Government.

There are two modes of securing the Government from the risk of losing the amount of their balances, namely, either by the lodgment of Indian Government securities for the amount of such balances, or by the Bank lending the amount to Government at the rate of interest current on Company's paper, the interest on the securities or loans to be the Bank's remuneration for transacting the business.

The saving to Government by the arrangement is apparent, and speaks for itself. The entire Treasury department being dispensed with, as also the cash department of the other receiving offices, the Bank could not, of course, allow interest on the Government balances and give security too without incurring a positive loss, which the Government itself would not desire to inflict on the proprietors.

The only remaining point to be alluded to, and it is an important one, is the matter of circulation; and unless that is adjusted at the same time the other questions are impracticable. I am disposed to recommend, that to simplify the subject the entire circulation in the island should consist of the notes of Government, or, if preferred, of the notes of the Oriental Bank, the present Government circulation being replaced by a loan from the Bank without interest. The latter mode would, perhaps, be the most simple and convenient for all parties, and the Bank would be bound to retain specie in its issue department for any proportion of the aggregate circulation that might be deemed expedient or reasonable.

(signed) W. W. Cargill.

(True Copy.)
(signed) W. D. Bernard.

23d November 1849.

All present.

Civil Engineer's Department.

Mr. Norris, C. E. examined.

He is of opinion that some reduction may be made in his department, but he does not recommend that it shall be reduced too far, because, although for the present the amount to be expended upon public works will be small, it is to be expected that in future years the expenditure will be much larger, and nearly the same establishment must be maintained; but with that establishment more work could be done.

Question raised as to employing military engineers to do all the civil works, with a special allowance for this particular duty. But Mr. N. points out that the estimates framed and work done by military engineers are always more expensive than those which are executed under the Civil Engineer's department. The Government would save nothing, for an establishment would be required for the Military department; there is also inconvenience in the frequent changes of military engineers.

But Mr. N. is of opinion that the greater part of the military works might be easily performed by the civil engineer, in fact all except the mere fortifications. The repairs of barrack, officers' quarters, &c., might be done by the Civil Engineer's department, and in that case one captain and one subaltern of Royal Engineers would be sufficient for the whole island.

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It is agreed that a civil engineer, with a moderate establishment, is absolutely necessary.

	Retained.			Reduced.		
	£.	s.	d.	£.	s.	d.
Mr. Norris to be retained - - - - -	800	-	-			
Mr. Parsons, 1st Assistant, C.E., to be reduced, present salary, 625 <i>l.</i> and in June next it would be 650 <i>l.</i> - - - - -	-	-	-	650	-	-
Mr. Kershaw, 2d Assistant, 300 <i>l.</i> - - - - -						

Mr. Norris is of opinion that an assistant civil engineer, with his present salary, is absolutely necessary at Kandy, but in addition to his ordinary duties he might take charge of all the roads within the gravets, and of all bridges within 15 miles, as he used to do. Mr. N. states that he could not himself be responsible for bridges made or repaired by the Roads department. A road-maker is not an architect, but there are many of the men of the Pioneer Corps who are excellent mechanics, and can build bridges, but the plans and estimates ought to be furnished by the civil engineer. An engineer at Kandy must have the same establishment as at present; viz.—

1 Clerk of Works at 100*l.* per annum.

1 Clerk and Storekeeper at 80*l.* per annum.

The question of retaining a civil engineer at Kandy is left open. It will be a matter for consideration whether the civil works at Kandy and Trincomalie might not be done entirely by military engineers; but Mr. N. thinks it would be far cheaper and better to get rid of the military engineers at those places.

Mr. Morphew, 3d Assistant, salary 200 <i>l.</i> , no longer required; he draws only half salary at present - - - - -	£.	s.	d.	£.
Mr. Byrne, 4th Assistant, at present drawing half salary, to be retained - - - - -	162	10	-	
He has a Clerk and Storekeeper, jointly - - - - -	24	-	-	
A 5th Assistant was allowed, at 100 <i>l.</i> , but this is at present vacant - - - - -	-	-	-	100 saved.
<i>Clerks.</i>				
1st Class: Mr. Joseph, at present 120 <i>l.</i> , to increase at once to - - - - -	125	-	-	5 increase.
2d. Class: Mr. Barber - - - - -	100	-	-	
Mr. De With, reduced - - - - -	-	-	-	70 saved.
Clerk of Works, De Silva, at top of 2d Class - - - - -	120	-	-	
3d. Class: Examiner of Estimates, Mr. Porter, at present - - - - -	80	-	-	
Clerk of Stores and Manager of the Elephant Establishment, Mr. Pronk, at present 100 <i>l.</i> - - - - -	75	-	-	25 saved.
4th Class: Storekeeper, Colombo, Mr. Roderigo* to be put at the top of this class - - - - -	60	-	-	
3d Class: Draftsman, Mr. Franciscus - - - - -	100	-	-	
5th Class: Assistant Draftsman, Mr. Schwallie - - - - -	30	-	-	30 saved.
Ditto - - - Mr. Hampha, reduced. - - - - -				
1 Conicopy Kandappa - - - - -	18	-	-	
2 Messengers at 10 <i>l.</i> 16 <i>s.</i> each - - - - -	21	12	-	

Provincial Establishment.

Putlam.—A civil engineer is quite indispensable in the North-western Province. At present Mr. Brodie, who is doing duty there, is only on the provisional and temporary establishment, but he should be transferred to the fixed.

	£.	s.	d.
Mr. Brodie - - - - -	200	-	-
One Clerk and Storekeeper - - - - -	36	-	-

Jaffna.—In addition to a civil engineer permanently fixed (Mr. Quinton instead of Mr. Byrne), there is also a clerk and storekeeper, the former at 54*l.*, the latter at 24*l.*

But one individual can now perform both duties, and he should be a clerk in the fourth class, beginning at 54*l.* Saved 24*l.*

Trincomalie.—No establishment. The question is left open, whether the works can be all put under the charge of the military engineers?

Contingencies.

	£.	s.	d.
Rent, Jaffna - - - - -	12	-	-
„ Galle - - - - -	18	-	-

Allowances.

Civil Engineer: For keep of horses - - - - -	100	-	-
Sanctioned on his appointment from home in 1833.			
Assistant Engineer: Mr. Parsons, 2 <i>s.</i> 6 <i>d.</i> per diem - - - - -	45	12	6
„ Mr. Kershaw - - - - -	45	12	6
„ Mr. Brodie, at Putlam - - - - -	45	12	6
„ Mr. De Siloa, at Colombo - - - - -	45	12	6

Traveling charges allowed to all.

Elephant

* At present he is doing the duty without pay, rather than be unemployed.

Elephant Establishment.

The number has recently been reduced from 15 to 10 elephants, including those employed in the brick-making department.

Fixed Establishment.—For the 10 elephants there will be required .—

	£.	s.	d.
One aratchy - - - - -	22	16	3
Three 1st-class drivers at 18 <i>l.</i> 5 <i>s.</i> - - - - -	54	15	0
Four 2nd-class drivers at 15 <i>l.</i> 19 <i>s.</i> 4½ <i>d.</i> - - - - -	63	17	6
Three 3rd-class drivers at 13 <i>l.</i> 13 <i>s.</i> 9 <i>d.</i> - - - - -	41	1	3
Five 1st-class leaf-cutters at 14 <i>l.</i> 8 <i>s.</i> 11½ <i>d.</i> - - - - -	72	4	9½
Five 2nd-class leaf-cutters at 12 <i>l.</i> 3 <i>s.</i> 4 <i>d.</i> - - - - -	60	16	8
Five 3rd-class leaf-cutters at 11 <i>l.</i> 8 <i>s.</i> 1½ <i>d.</i> - - - - -	57	-	7½
	372	12	1
Batta to drivers.—Paddy, medicines, and sundries for the year for 10 elephants, about - - - - -	200	-	-
Total - - - - -	572	12	1

The total cost previous to the reduction, that is, for 1847 and 1848, was 1,277*l.* 10*s.* 9*d.* The difference therefore will be saved, viz., 654*l.* 18*s.* 8*d.*

Mr. Norris remarks, that all bridges built upon estimates above 100*l.* used to be built by his department. Recently many of these have been built by the Roads department, but Mr. Norris has not furnished the plans and estimates, nor does he know by whom they were drawn out. With the establishment he already has, he could furnish plans and draw out estimates for all the bridges, and for their repairs. It would only be necessary for him to examine the localities.

The pioneer corps when they are employed upon large buildings, ought to work upon plans furnished by the civil engineer. There are some good mechanics at present in that corps.

Brickmaking Establishment.

Reserved for consideration under the commissariat department, in which all the accounts of the brick establishment are kept, except the elephants.

12th January.

All present.

Office Contingencies.

HEAVY contingencies of the Colonial Secretary's Office considered, and ordered to be reduced. Despatch bags and printing-office contingencies.

Mr. Lee's paper on the contingencies of the printing and bookbinding offices is reconsidered, and the whole of its recommendations ordered to be carried into effect as soon as possible, by which means a saving at the rate of more than 1,000*l.* a year will be saved.

Mr. Norris's History of the Civil Engineers' Department.—His opinion is asked respecting the state of his department, and the possibility of amalgamating it with the roads department.

On his arrival in March 1833, or rather before that, the business of the so-called land-surveyor was carried on by a Dutchman, whose duty was only to authenticate figures of private lands; no Crown lands were then surveyed. His salary was 600*l.* per annum, and he had an establishment. District surveyors at each of the principal out-stations. They did no Government work, but only private work; they each got a very small salary from Government. For several years Mr. Norris, who at that time was called Surveyor-general, had no Crown lands to survey. Mr. Norris commenced his career as a surveyor in India, in the 21st year of his age, and continued in that capacity for nine years; occasionally he had the supervision to some extent of public buildings in India for the convenience of Government. He had the tracing of roads in India, and laid out the great road from Calcutta to Bombay by Nagpore. Went to England in 1831 from Calcutta to gain further instructions; he there studied under Mr. Sims, of the Railroad Commission. He had authority from the Commissioners of Woods and Forests to attend at the construction of all public works during their progress.

Was appointed when in England to Ceylon as civil engineer, surveyor-general, and member of the Legislative Council (the latter had yet to be formed.) He performed the duties of all three departments, that is, of surveyor-general, civil engineer, and commissioner of roads, as far as they were required to be done at that time.

For the first five years the office of surveyor-general was merely a nominal one, except as to the authentication of private surveys. There were merely one clerk and one draftsman attached to the department of surveyor-general. In the civil engineers' department, including roads, there was quite sufficient, and indeed too much, to occupy the full time of one individual.

He had a sufficient establishment, and as public works increased, so did his office establishment also. All public buildings were placed in his charge, but before his arrival they had all been allowed to go to ruin and dilapidation. The Government agents had nothing

CEYLON.

nothing to do with them at that time. The building and repair of bridges also was part of his duty; the repair of all the canals, which in the Western province were very expensive in those days. He had also the care of all the roads in the colony, which, however, were not numerous at that time.

All the roads and drains, streets, &c. within towns, and all duties of town surveyors, were done by Mr. Norris and his department. Those duties were heavier than they are now. Steps were then first taken for the removal of encroachments. The verandah opposition even began at that time; so it is no new subject of agitation.

In 1841 Mr. Anstruther recommended that the surveyor-general's department, and that of public works, should remain united; the roads department being altogether separated, leaving the bridges (all exceeding 100*l.*) to Mr. Norris.

The separation of the road department was carried into effect; then the demand for surveys increased rapidly by the mania for coffee planting, and although he found great relief from having the road department taken from him, the work of the two departments still remained excessive. The establishment allowed him was insufficient. The best draftsmen and clerks were given over to the new commissioner of roads. The fees on the private surveys were reduced one half, and young surveyors soon gave up the work, and became superintendents of coffee estates.

Mr. Norris was responsible for the whole of the surveys of the private surveyors, and had no means of testing their accuracy. The survey work fell into arrear, and then four surveyors were sent out from England, of whom Mr. Byrne is the only one still in Government employ; the other three are all dead: they were not long in public employ. He surveyed large tracts of land, and also many independent or isolated estates.

Captain O'Brien was appointed a surveyor, but was not long under Mr. Norris.

Mr. Wodehouse was acting Colonial Secretary early in 1845, and then the offices of surveyor-general and civil engineer were separated. But the business of the two departments soon began to fall off coincidentally with the demand for land. Mr. Sims, the present surveyor-general, came out as a private individual; he was not sent out by Government; Mr. Norris recommended him for a small situation in his department.

In 1845, Mr. Sims was appointed surveyor-general, and for the first time a very liberal establishment was given to that department. Then Mr. Norris had only the duties of civil engineer and town surveyor to do, including of course all bridges.

The work soon began to diminish, and has continued to diminish, particularly when the town surveyorship was taken.

Mr. Norris went home at the end of 1837, and again improved himself as much as he could in road making and architecture, remaining away upwards of two years. On his return in the beginning of 1840, applications first began to pour in for the purchase of Crown lands; they were very numerous, there was no surveyors' establishment. He had to teach young men the duties of the office, as draftsmen and land measurers. In a few months he got up an establishment which did the work as well as could be expected, that is, tolerably. They managed to make disconnected surveys of considerable tracts of public land, but there was no regular efficient establishment either in the office or in the field. The surveyors were all remunerated by fees paid by the applicants for land; there was no expense to Government. As the survey business increased, so did the civil engineers' also, as likewise the Road department. Traces for new roads were urgently called for in all directions.

The first road he was ordered to trace was by the directions of Mr. S. McKenzie, from Teligam to Ambegamowa.

At that time it was found impossible for one man to accomplish all. The idea at first was to separate the department of the surveyor-general, and leave the civil engineer and the roads department combined. Captain Skinner was to have been surveyor-general; he was at that time deputy assistant quartermaster-general.

Formerly the quartermaster-general had charge of all the roads, but there were none but military roads properly so called. And the Royal Engineers had charge of all bridges, and generally of public buildings.

Some minor bridges were made by the agents, who also used to repair the particular buildings of which they had immediate charge.

Mr. S. McKenzie gave Mr. Norris the option as to which he would retain, and he chose the civil engineer and roads departments, retaining his establishment in full. When the roads department was also taken from him, he had still less to do, and had an assistant to help him. Mr. Norris states that he could do more with his present establishment,—that he distinctly offered to do the whole of the town surveyor's work without any increase of his own establishment, or the employment of a single new person, or any expense to Government beyond that of his own present department.

With regard to the possibility of uniting all three or any two of the offices of surveyor-general, civil engineer, and commissioner of roads, Mr. Norris is of opinion, 1st, that much must depend upon the amount of responsibility thrown upon the commissioner of roads by the Road Ordinance. If the commissioner is to be the principal person for directing, tracing, estimating, and superintending the roads under the Ordinance, he will be more than fully occupied in his own department; but if the Government agent is to be the principal person in the management, and the commissioner only to be consulted upon estimates, &c., then the two offices of civil engineer and commissioner of roads may be very well united. The mere tracing of certain lines of road may be done by the surveyor-general; but if the Survey Office is to be employed in the general survey of the

the country, and also with a view not only to the sale of land, but to the taxation of properties, the business would be more than the present establishment could carry on.

If no public works are to be undertaken beyond what there is an immediate prospect of, then the civil engineers' department might be the most easily got rid of.

The surveyor-general is by far the best man for his present duties that could possibly be procured. He is both a thoroughly scientific and a practical man. There can be no doubt that the civil engineers' department and the commissioner of roads could most properly be combined, because in the former capacity the individual would have to build and inspect bridges and public works, and therefore must visit the roads and be in frequent communication with the commissioner of roads.

If one head were employed as the supervisor of all three departments, it would be necessary that he should be a high officer in every respect, and should have no concern whatever with the minor details of either department.

18th January 1850.

MR. NORRIS.

Contingencies.

MR. KERSHAW only gets travelling allowance when beyond 20 miles from Kandy.

He now only gets allowance for one horse; he used to get allowance for two, and had abundant work.

Mr. Brodie is altogether off the civil engineers' list now, and therefore gets no horse allowance.

Mr. Parsons has drawn horse allowance always as a fixed contingency; but then there were works to be done—now there are no works to be done, and no employment for him.

Monday, 8th January 1850.

All present.

MR. NORRIS.

LAST year the total cost of elephant establishment would have been, if complete, 1,277*l.* 10*s.* 9*d.* It did not really cost quite so much.

Present Establishment for 1849. (Proposed to keep only 10 elephants instead of 20.)

	£.	s.	d.
Cost of fixed - - - - -	372	12	1
Contingent - - - - -	200	-	-
	£.	572	12 1

The whole of this reduction has already been effected. At present there are only 10 elephants employed in this department, the rest have already been sold.

Contingencies.

Horse allowance, Norris, 100*l.* Norris to be directed to continue for the present the working of the brick and tile establishment at Pannebakere.

Elephant Establishment.

Reduced from 15 to 10 elephants, including the brick-making ones:—

	£.	s.	d.
1 Aratchy - - - - -	22	16	3
3 First-class drivers - - - - - at 18 5 -	54	15	-
4 Second-class ditto - - - - - 15 19 4 ½	63	17	6
3 Third-class ditto - - - - - 13 13 9	41	1	3
5 First-class teaf-cutters - - - - - 14 8 11 ½	72	4	9 ½
5 Second-class ditto - - - - - 12 3 4	60	16	8
5 Third-class ditto - - - - - 11 1 1 ½	57	-	7 ½
	£.	372	12 1

Contingent.—Subsistence, medicines, batta to keepers, 250*l.*

House rent, horse allowances, and travelling allowances of the whole department to be considered hereafter.

Mr. Norris points out that he came out in 1833 with the horse allowance, and other allowances sanctioned.

Mr. N. remarks that the bridges used all to be built by his department, and upon his plans and estimates, all above 100*l.*

But since the beginning of this year bridges have been built by the roads department by pioneers; but Mr. N. does not know by whom the plans and estimates are framed.

CEYLON.

With the establishment he now has, he could frame plans and estimates for all bridges and their approaches; he would only require to examine the localities.

May speak to Cole about it.

He admits that the pioneer establishment is well calculated to make bridges, but they ought to work on good plans and estimates.

Civil Engineers' Department.

LIST OF CONTINGENT CHARGES FOR 1849.	PROPOSED FOR 1849.		
	£.	s.	d.
Transport, being travelling allowance to the civil engineer and others -	200	-	-
Implements, being for the purchase and repairs of tools, &c. -	200	-	-
Elephant establishment, being subsistence and medicines for elephants, and batta to the keepers - - - - -	250	-	-
Rent, for office and store at Jaffna - - - - -	£. 12		
Ditto - ditto - - Galle - - - - -	18		
	30	-	-
Contingencies, being for the purchase and repairs of office furniture, tolls of different bridges and ferries, and for other unforeseen charges	120	-	-

19th January 1850.

All present.

MR. PARSONS.

Civil Engineers' Department—continued.

THINKS that the original arrangement of having one head for the three departments was the best. But perhaps the surveyor-general's department must be kept distinct now. But the roads department and civil engineers' department may be very properly combined. Originally the head office was in Colombo, with an assistant here, and one assistant in each province, of which there were five.

He thinks that a second commissioner of roads will be necessary when the road ordinance is brought into full operation. But if not, and if the two departments are united under one head, there must be one assistant in each province.

The diminution in the work of the civil engineer has been very gradual, caused by diminished funds and the transfer of a portion of the work of this department to other departments.

He thinks the surveyor-general might employ his department in tracing new lines of road, which should be afterwards examined and approved by the civil engineer as the commissioner of roads.

He has seen the departments worked in all forms, and he has come to the conclusion that the original arrangement was the best. Formerly, when the assistants were allowed horse hire, they were not allowed travelling expenses, except on special occasions, when special authority was required. The charges allowed were merely for the actual expense of locomotion, not for the expense of living at all.

Thinks the whole work of the three departments, as regards the fixed establishment, might be done at a much smaller cost than at present.

Mr. P. also adds, that in practice the civil engineer should be the town surveyor of all the principal towns in the island.

26th January 1849.

Present—Mr. MacCarthy; Mr. Templer.

Mr. Evatt, Acting Commissioner of Roads.

READ Captain Cole's evidence to Mr. Evatt.

Mr. Evatt thinks that it might be quite possible to combine the civil engineer and roads departments. The pioneers, and particularly the artificers of that branch, are quite capable of understanding the mechanical labour of all bridges. Within the last five or six months the commissioners of roads department have built or commenced bridges of the cost of from 500*l.* to 600*l.* each. The plans of two of these bridges were furnished in the department, and particularly that of one on the Ambegamoa road was furnished by a Mr. Miller, formerly of the civil engineers' department. He died, but he gave his plan to Mr. Evatt. Mr. Caley, who has studied civil engineering in the colony, can also draw plans of smaller works. His brother was a clever professed engineer, but the surviving one could only draw plans of very moderate works. He thinks, if it be the object to combine or concentrate departments, the commissioners of roads and civil engineers might be most easily combined; the surveyor-general's must be a different branch altogether—requires a very scientific man. It would be a good plan to employ the surveyor-general's department in tracing new roads. It properly falls within their line. The great fault in the existing roads is that they were traced before the country around

was

was surveyed. He does think that the office establishments, if the two departments were combined, could, by a fusion of the two, be considerably diminished. The contingent expenses might also be lessened very much. Mr. Evatt says that no stranger, however scientific, could, without local knowledge, efficiently conduct the whole duties of the combined department. In each province there should be one principal officer of the combined departments, not to be necessarily restricted to that province, but, if required, to be employed elsewhere on emergency, and to be considered part of his proper and regular duty. Mr. Evatt doubts the possibility of getting contracts efficiently performed here. He does not think that if the commissioner of roads department were entirely abolished, the contract system could be carried out sufficiently to enable the Government to give up its own assistance, and to rely only on contracts and the Road Ordinance.

A Madras contractor came over and offered to make contracts for roads, but on more minute examination and inquiry, he abandoned the idea. The superintendence of Government, in order to get any prospect of having contracts carried out properly, would require to be more complete, and therefore more expensive.

Is questioned as to works being done by Royal Engineers; he says that their work is undoubtedly good, but is always very expensive. They require to have an allowance for doing civil works. The cost of that superintendence would scarcely be a criterion of the actual cost of the works.

He thinks the present Pioneer Corps are a most efficient body. It would be impossible to get the public works done so well or so economically without them. The public works, and particularly the road works, are done more cheaply here than in England.

There are only four divisions of pioneers sanctioned by the Secretary of State; Sir Colin Campbell sanctioned the raising of six new divisions, which were placed on the Contingent List, and were charged against works. Two sub-divisions were afterwards reduced, and only four remained; but these have never been sanctioned from home. The superintendence of the Royal Engineers over the Pioneers might be advantageous, if the corps were made a military body; but the objection to that is, that they could not be moved by the civil authorities without the sanction of the military authorities. But it would do to make them to a certain extent a military body, placed ordinarily under the civil authorities, except when, from necessity, the civil authorities think proper to hand them over to the military authorities, as in case of public disturbance or military movements, &c. &c. The men are proud of being considered a military body; they like a little drill. Very fine men have lately come from the Nielgherries. Many children are born among them in this country now, and they become very fine strong lads. Formerly the Pioneer Corps were not employed on the main roads nearly so much as latterly. The Kandy road was in consequence much neglected, and hence it had become so much out of repair. Since that time the pioneers have been employed on the main roads, so that, although the public roads and works have generally diminished in extent and cost, there is nevertheless no sufficient ground for reducing the strength of the pioneers, for they are always usefully employed now, and the number of idle days in a year, even in consequence of bad weather, is exceedingly small. The men often desert in the coffee season, but they are very often brought back. They then forfeit their back pay, and are liable to imprisonment.

The pension scheme of the pioneers was a very good one; but in framing the rules a great mistake was made. Each pioneer was required to have subscribed 10 years before he could be entitled to any pension, unless upon a medical certificate of his having been disabled in the service. It would have been better to have fixed five years rather than 10 years, for there were old men already in the service, from 20 to 30 years in the corps, who could not live long enough to obtain any pension. Some cases of great hardship are mentioned. A compassionate allowance should be given by Government to some of the old men, irrespective of their own pension fund, from which they can never live to derive any benefit.

In the event of the union of the two departments, he thinks the head clerk of the department ought to be better paid. His present head clerk has only 120*l.* a year. He has upwards of 50,000*l.* a year passing through his hands. He works very hard. The head clerk of the department ought to get 200*l.*; he is really the accountant of the establishment.

Mr. Evatt is not prepared at present to state what exact establishment would be necessary for the combined departments, but latterly the roads departments have been doing a good deal of civil engineers' duty, without any increase of establishment. He will furnish a schedule, or scheme, of the whole establishment.

It would be a great error to let it be supposed that any one officer was of necessity or of right to remain in one and the same province continually. All the assistant commissioners, even when nominally attached to a particular province, ought to be moved about from one place to another when required.

As regards the Road Ordinance, he thinks that the principal superintendence must be undertaken by Government, in which case there must be rather an increase than a decrease in the establishment. The inferior superintendence and the actual work will be paid for entirely out of the tolls or commutation of the Ordinance. He has lately personally had occasion to remark in the interior that the people are quite disposed to carry the Ordinance fully into effect; they are prepared to work or to pay, and they have actually been working on the coffee estates to earn money to pay the commutation; and they not only work enough to earn the amount of the commutation, but they work beyond that, and they begin to feel the advantage of earning money as such. It has induced the people to work,

CEYLON

even though they would rather not work on the roads. He does not anticipate any difficulty whatever in carrying out the Ordinance. It is not desirable to go too fast, but it is well to show the people at once that it is to be carried out in its full extent. Begin one or two roads in each principal province first.

Elephant Establishment.

He thinks 10 of the best elephants would be sufficient for the department. They are quite indispensable for heavy work in the upper country. At present only 16 remain in the department, instead of 19, which were last year. He proposes to keep 10 of the best. There is a great reduction in the expenses for carts and waggons. Perhaps, if the two departments were combined, 15 elephants, if good ones, would do for the combined departments. The elephant waggons don't cost less than 60*l.* each.

Another reduction in Norris's Department.

The bullock-cart establishment would require to be increased very much to do the work of both departments. Sometimes you can hire carts cheaper than you can use your own, but not always; and in some places you could not get hired transport at all. The department lost a great deal last year by not having proper transport of their own. The bullock-carts cost very little; new ones are paid for out of the general service estimates. They are constructed by the pioneer artificers, and the bullocks are looked after and driven by the pioneers.

Probably the transport establishment for the two departments combined should be gradually made up to 100 carts and 400 bullocks. The cost would not be large, and a great deal of hired transport would be saved.

There are three medical sub-assistants attached to the three divisions of pioneers. They draw additional pay, or batta, when so employed, which is charged as a contingency, not of the medical, but of the road department, at the rate of a dollar, or 1*s.* 6*d.* a day, as batta. Transport of all medical stores, &c., is charged in the contingencies of road department, for all that is connected with the pioneers.

Question of Travelling Allowances.

The duties of the new head of the combined department should be clearly defined; he would probably be more of an office man than at present; and by visiting the principal stations at certain intervals, it would be quite enough that the chief provincial officer should be intrusted with the entire execution of works required.

A fixed commuted allowance for travelling, as an addition to the salary of the officer, would be far better than travelling charges. Let the officer always send in precisely the same returns as he does now. There is great advantage in frequent superintendence of roads and works.

It would be very advantageous if the head of any department, when travelling, and particularly the Governor, were to make inquiry into and evince a local interest in the progress of works or roads. It encourages the people.

Mr. E. will send in a schedule.

2d February 1850.

MEMORANDUM.—Mr. Evatt.

MEDICAL sub-assistants employed on the roads receive batta from the roads department, on the contingent abstract, as follows:

	<i>s.</i>	<i>d.</i>
Kandy and Colombo road - - - -	1	- per diem.
Ambegamoa road - - - -	1	6 "
Kandy and Trincomalie road - - - -	2	- "

At present no pioneers are employed on the Trincomalie road. The Matelle portion of it from Kandy is not considered Trincomalie road.

The expenses of the whole eight divisions of pioneers are recovered from the estimates for works on which they are employed, except the pay of the four superintending officers of the four fixed divisions, which is charged on the fixed establishment.

The fixed pioneers cannot be moved without special authority, the unfixed ones can be moved.

The one-tenth for contingencies covers all these unascertained or unprovided-for contingencies. The cost of removal of any division of pioneers is charged against the estimate upon which they are about to work, not on that upon which they worked.

The batta to the medical superintendents ought to be charged to the medical department.

Mr. Birch, 1st Division, 7*s.* 6*d.* and 2*s.* 6*d.* a day.

Lieutenant Stewart - 2d Division	} These get no horse-hire, they would only get allowance on going more than 5 miles beyond their station.
Lieutenant Smith - 3rd "	
Ensign Anderson, 37th, 4th "	

They take charge of hired labourers as well.

Mr. Manning, at Kandy, per month, 7*l.* 10*s.* is employed with the gravets of Kandy. He acts as an overseer of superior class on roads.

Mr. Bews, 10*s.* a day, and 7*s.* 6*d.* for three horses. Has general charge of the whole Kandy road.

Instead of having the whole Kandy road, it would be better to give him the lower half only, and put the upper half of the road under Mr. Caley, who lives at Peradenia; in that case part of the office establishment of Mr. Bews might be done away with. He has two clerks at Peradenia, one certainly would be enough there.

Pieres

CEYLON.

Pieres Mohandiram gets 5 s. 6 d. a day. Is employed as a superintendent on the Kandy-road, to be sent to any part of it at which he is required with a working party.

Mr. Chitty, medical assistant at Kornegalle, has general charge of the roads in the district. Gets 7 s. 6 d. a day; no other allowance.

Has a great deal of road towards Putlam, &c. As medical man, not wanted.

Mr. Fonseka Modliar is employed on the road between Bentotte and the 10th mile-post from Colombo. Has general charge of that part of the road. He gets 5 s. 6 d. a day.

Mr. Elliott, on the Newera Ellia-road, from Pusilawe to Nuwera Ellia, and on to Hackgalle on the Badulla-road, 10 s. a day, besides 90 l. a year from medical department of the colony.

Mr. Thomson, 10 s. a day, employed on the Kandy and Matelle-road as superintendent under Mr. Caley.

Mr. Alvis Morliar, employed from time to time upon the small road between Pantura and Horelle at 4 s. a day for actual working days.

Mr. O'Grady was occasionally employed on the works in the Wanny district, at 10 s. a day; but at present no one is employed there.

Mr. P. Cummins has general charge of the road from Avishavelle to Ratnaporre, and to Hangwelle, on the road to Colombo, at 7 s. 6 d.

Mr. F. Clarke was employed in Newerakalawya district, but is not so now.

Mr. Hall, Trincomalie, gets 100 l. a year, and has charge of the town and gravets of Trincomalie, paid under a miscellaneous vote.

Captain Holworthy, at Badulla, has general charge of the roads in Druva district. Gets 7 s. 6 d. a day.

Mendis is employed occasionally about the town and gravets of Negombo, and on road from Negombo to Jeil on one side and Toopoo Ferry on the other, at 4 s. a day, when employed only.

Mr. Wallbeoff is employed as tracing officer on the new line, Kandy and Maturatta to Mewera Ellia, at 15 s. a day.

All the above are employed and paid for out of estimates for works.

Mr. Caley gets 250 l. a year from the fixed establishment, and 2 s. 6 d. a day for a contingent horse.

Captain Cole gets 1 l. a day on a provisional abstract. His duties are principally in the superintendence of the office department, and in addition has charge of the roads within the gravets of Colombo, and on to Negombo and neighbourhood, and from Colombo to Bendotte on the Galle-road. Gets no horse allowance, but gets 18 s. travelling allowance.

Mr. Ker, district officer at Gampola. Has general charge of the roads to Ambeganno, the Gourouakke-road also from Gampole to Peradenia, and the Puselava. Gets 10 s., and 5 s. a day for two horses.

The four pioneer clerks are attached to the pioneer divisions. They are on the fixed establishment, and consequently are not charged upon the estimates on which the pioneers to which they are attached are charged.

As regards the sawing of the road department, there is no establishment kept for it. The timber is drawn in the log, and converted by sawyers hired for the occasion, under the superintendence of the master carpenter and the modliar of the department, the former of whom is paid on the General Service Estimate. The modliar is the examiner of estimates, and has general charge of the elephant establishment and the workshops. Gets 100 l. on the fixed establishment.

Mr. Curgenvin, 7 s. 6 d. a day under Mr. Caley, has charge of the working parties on the Deltotte-road.

Mr. Jackson, 7 s. 6 d. } In charge of hired labourers on Kandy-road.
Mr. Boultree, „ }

These gentlemen do clerks' work and all. It is necessary to have Europeans of education to do this.

FOR COLOMBO ONLY.—MEMORANDUM.

PRESENT FIXED ESTABLISHMENT OF THE CIVIL
ENGINEER.

Head clerk.
2d ditto.
3d ditto.
4th ditto.
Examiner of estimates.
Clerk of stores.
1st draftsman.
2d ditto.
3d ditto.
1 Conductor.
4 Peons.

Provisional Establishment.

1 Clerk of works.
1 Storekeeper.

PRESENT FIXED ESTABLISHMENT OF THE
COMMISSIONER OF ROADS.

Head clerk.
2d ditto.
3d ditto.
4th ditto.
Examiner of estimates.
1 Draftsman.
2 Draftsman.
3 Peons.

Pioneer Branch.

2 Clerks at Colombo.
4 ditto, with divisions at out-stations.

Provisional Establishment.

1 Clerk.
1 Storekeeper.
1 Lascar.
1 Conductor.

Has an overseer at 3 s. a day, and hired labourers are employed.

Hires natives when wanted.

Under Mr. Caley, a hard-working man, at 5 s. 6 d. to 6 s. 6 d. a day, would answer perfectly.

Is necessary. Has an overseer at 3 s. a day.

Hires labourers as wanted.

Is only employed on estimates at present, but it is a question.

Out of estimate. An officer here is necessary. *Qy.*, whether a surveyor would not do?

Omitted before.

CEYLON.

PROPOSED ESTABLISHMENT.

Head clerks	}	In lieu of 8 clerks.
2d ditto -		
3d ditto -		
4th ditto -		
5th ditto -		
6th ditto -		
Examiner of estimates	}	In lieu of 2 examiners of estimates and clerk of works.
Assistants ditto - -		
Head draftsman	}	In lieu of 5 draftsmen.
2d ditto - - -		
3d ditto - - -		
1 Clerk of stores, in lieu of 2 storekeepers and 2 clerks.		
1 Conductor, in lieu of 2.		
4 Peons, in lieu of 7.		

Pioneer Establishment.

2 Clerks at Colombo.
 4 ditto, with divisions at out-stations.
 12 Hands, in lieu of 20.

1 February 1849.

(signed) *H. A. Evatt.*

PROPOSED ASSISTANTS to the New Combined Department in the Provinces.
Proposed Establishment of Superintendence in the Commissioner of Roads Department.

	PROPOSED.	PRESENT.
	£.	£. s. d.
Assistant Central Province - - -	600	800 - -
Ditto Western ditto - - - -	500	1,073 - -*
Ditto Eastern ditto - - - -	200	100 - -
Ditto Southern ditto - - - -	350	300 - -
Ditto Northern ditto - - - -	450	487 10 -
Ditto North-Western - - - -	300	250 - -
TOTAL - - - £.	2,400	3,010 10 -

* Present assistants, irrespective of establishments.

In the event of the Commissioner of Roads and Civil Engineers' establishments being combined.

(signed) *H. A. Evatt,*
 Acting Commissioner of Roads.

My dear Sir James,

Office, 1 February 1849.

No orders have been received respecting the disposal of Mr. Elliott.

Medical services are required at Bambraghah, the number of pioneers being increased. If he is sent away, another medical sub-assistant must be sent there on duty, and to find a disposal officer at present would occasion additional travelling expenses; but whatever the commission desire to be done shall be carried out immediately.

I have, &c.
 (signed) *Samuel C. Roe.*

GENERAL STATE of the PIONEER ESTABLISHMENT.

Divisions.	Stations.	Date of the several Weekly states.	Strength.										
			Serjeant-Majors.	Serjeants.	Corporals.	1st Class Artificers.	2d Class Artificers.	3d Class Artificers.	4th Class Artificers.	1st Class Pioneers.	2d Class Pioneers.	1st Class Boys.	2d Class Boys.
			1	3	3	3	3	4	12	104	50	10	-
1st Divisions -	Kittoolgalle	1848 : 14 Oct.	1	3	3	3	2	2	9	100	47	10	-
2d - ditto -	Illookwatte	15 -	1	3	2	1	3	4	9	101	42	9	-
3d - ditto -	Horogalla -	15 -	1	3	3	1	3	4	12	104	45	8	3
4th - ditto -	St. Jago -	8 -	1	3	2	2	2	4	12	101	49	9	-
1st Subdivisions	Navelpitya	30 Sept.	-	2	3	-	2	2	8	82	13	7	-
2d - ditto -	Waveldenia	14 Oct.	-	2	2	1	-	4	-	60	40	5	-
3d - ditto -	Nanoo Oya	8 -	-	2	2	1	-	8	-	85	15	5	-
4th - ditto -	Balapany -	14 -	-	2	2	-	-	3	1	68	30	7	-
Total - - -			4	20	19	9	12	31	51	698	276	60	3

Divisions.	Stations.	Date of the several Weekly states.	Wanting to complete the Division.										
			Serjeant-Majors.	Serjeants.	Corporals.	1st Class Artificers.	2d Class Artificers.	3d Class Artificers.	4th Class Artificers.	1st Class Pioneers.	2d Class Pioneers.	1st Class Boys.	2d Class Boys.
1st Divisions -	Kittoolgalle	1848 : 14 Oct.	-	-	-	-	1	2	3	4	3	-	-
2d - ditto -	Illookwatte	15 -	-	-	1	2	-	-	3	3	8	1	-
3d - ditto -	Horogalla -	15 -	-	-	-	2	-	-	-	-	5	2	-
4th - ditto -	St. Jago -	8 -	-	-	1	1	1	-	-	3	1	1	-
1st Subdivisions	Navelpitya	30 Sept.	-	-	-	-	-	-	-	-	-	-	-
2d - ditto -	Waveldenia	14 Oct.	-	-	-	-	-	-	-	-	-	-	-
3d - ditto -	Nanoo Oya	8 -	-	-	-	-	-	-	-	-	-	-	-
4th - ditto -	Balapany -	14 -	-	-	-	-	-	-	-	-	-	-	-
Total - - -			-	-	2	5	2	2	6	10	17	4	-

(continued)

* One Corporal on leave to the Coast; one Artificer promoted Corporal.

CEYLON.

GENERAL STATE of the Pioneer Establishment—*continued*.

Divisions.	Stations.	Date of the several Weekly states.	Excess.										
			Serjeant- Majors.	Serjeants.	Corporals.	1st Class Artificers.	2d Class Artificers.	3d Class Artificers.	4th Class Artificers.	1st Class Pioneers.	2d Class Pioneers.	1st Class Boys.	2d Class Boys.
		1848 :											
1st Divisions -	Kittoolgalle	14 Oct.	-	-	-	-	-	-	-	-	-	-	-
2d - ditto -	Illookwatte	15 -	-	-	-	-	-	-	-	-	-	-	-
3d - ditto -	Horogalla -	15 -	-	-	-	-	-	-	-	-	-	-	3
4th - ditto -	St. Jago -	8 -	-	-	-	-	-	-	-	-	-	-	-
1st Subdivisions	Navelpitya	30 Sept.	-	-	-	-	-	-	-	-	-	-	-
2d - ditto -	Waveldenia	14 Oct.	-	-	-	-	-	-	-	-	-	-	-
3d - ditto -	Nanoo Oya	8 -	-	-	-	-	-	-	-	-	-	-	-
4th - ditto -	Balapany -	14 -	-	-	-	-	-	-	-	-	-	-	-
	Total	- - -	-	-	-	-	-	-	-	-	-	-	3

Colombo, 26 October 1848.

Cost of Four Subdivisions per Annum.

	£.	s.	d.
4 Native officers, at 4s. per diem - - - -	292	-	-
8 Serjeants, at 1 s. 4 d. ditto - - - -	194	13	4
8 Corporals, at 1 s. 2d. ditto - - - -	170	6	8
8 First-class Artificers, at 1 s. 6 d. ditto - - - -	219	-	-
8 Second-class Artificers, at 1 s. 3 d. ditto - - - -	182	-	-
12 Third-class Artificers, at 1 s. ditto - - - -	219	-	-
36 Fourth-class Artificers, at 9 d. ditto - - - -	492	15	-
276 First-class Pioneers, at 7½ d. ditto - - - -	3,148	2	6
132 Second-class Pioneers, at 6 d. ditto - - - -	1,204	10	-
40 Boys, at 4½ d. ditto - - - -	273	15	-
	£.	6,396	12 6
120 Women, at 1 d., at 30 Women per Division - -	-	182	10 -
	£.	6,579	2 6

Memorandum of Travelling Allowance charged under the head "Transport" of the Commissioner of Roads Department.

1848:	£.	s.	d.
January - - - -	5	8	-
February - - - -	78	11	6
March - - - -	46	2	2
April - - - -	65	8	-
May - - - -	28	4	-
June - - - -	52	4	8
July - - - -	50	4	-
August - - - -	67	4	-
September - - - -	59	9	3
October - - - -	66	1	6
November - - - -	50	8	-
	£.	569	5 1

November and December not charged.

ROAD DEPARTMENT.

LIST of OFFICERS employed on Road Estimates.

Where Employed.	N A M E.	Rate of Pay per Day.	Rate of Allowance.	REMARKS.
Town of Kandy - -	Mr. J. Manning - -	7 l. 10 s. per month	- - -	- - Handed over from civil engineer.
Ditto - - -	Mr. J. A. Caley - -	- - -	2 s. 6 d. per day	- -
Kandy-road - - -	Lieut. H. J. Bews - -	10 s. per day	7 s. 6 d. "	Acting for Lieut. Evatt.
Ditto - - -	Mr. J. G. C. Pieries - -	5 s. 6 d. "	- - -	Occasionally.
Kurnegalle-road * - -	Mr. A. J. T. Chitty - -	4 s. "	- - -	- -
Colombo to Galle - -	Mr. M. De Fonseka - -	5 s. 6 d. "	- - -	Occasionally.
Nuwera Ellia-road * - -	Dr. R. Elliott - -	5 s. "	2 s. 6 d. per day	- -
Kandy to Matelle - -	Mr. H. Thompson - -	10 s. "	- - -	- -
Pantury to Horene - -	Mr. D. De Olwis - -	4 s. "	- - -	Occasionally.
Manaar to Central-road - -	Mr. W. O'Grady - -	10 s. "	- - -	- ditto.
Ditto - - -	Mr. P. Cummins - -	7 s. 6 d. "	- - -	- ditto.
Ditto - - -	Mr. F. Clarke - -	10 s. "	s. 6 d. per day	- ditto.
Eastern Province - -	Mr. W. G. Hall - -	100 l. per annum	- - -	- - Promised increase on Labour Ordinance coming into operation.
Badulla District - -	Capt. E. J. Holworthy - -	2 s. 6 d. per day	- - -	- -
Negombo - - -	Mr. J. De Mendis - -	4 s. "	- - -	Occasionally.
Matelle - - -	Mr. F. H. Walbeoff - -	15 s. "	- - -	Tracing officer.

Marked thus (*) are not the usual salaries paid to the officers at those parts, but reduced during this year, when the amount of expenditure was restricted.

(signed) J. Cole.

24th November.

All present.

Commissioner of Roads.

CAPTAIN COLE, Assistant Commissioner, is examined in the absence of Mr. Evatt.

He does not think that any reduction can be made in his establishment, except in the Elephant department.

But he proposes that the expenses of the Pioneer branch should be in a great degree paid out of the receipts from the commutation under the Road Ordinance. By this a saving of 5,000 l. or 6,000 l. a year might be made in that department; but in other respects increased expenditure will be required under the Road Ordinance for superintendence, surveying, &c. Now, Mr. Wodehouse's proposal appears to be that the whole of the amount received as commutation for labour for any particular work under the Road Ordinance shall be applied to the furnishing of labour only, or labour and material, but that the Government shall contribute superintendence and scientific aid at its own cost, as its quota of aid for the public good. Captain Cole proposes that the whole of the unfixed or contingent part of the Pioneer Corps shall be supported by the commutation money; that is, that their services should be hired from Government by the provincial or district committees.

	£.	s.	d.
Commissioner of Roads - - - - -	1,000	-	-
No horse allowance, but he receives 1 l. 10 s. per diem when absent from Colombo.			
First Assistant Commissioner, Mr. Caley - - - - -	250	-	-
A special allowance of 2 s. 6 d. per diem for horses for doing duty within the gravets of Kandy.			
Travelling charges, at 18 s. per diem, when travelling on duty beyond the gravets of Kandy - - - - -	45	12	6
Second Assistant Commissioner, Mr. R. Francis - - - - -	200	-	-
Allowance, 18 s. per diem when travelling on duty.			
Third Assistant Commissioner, Mr. Byrne - - - - -	162	10	-
(Absent on leave.)			

N.B.—Mr. Quintom is acting for Mr. Byrne during his absence, both as assistant commissioner of roads and assistant civil engineer. No. 2 receives 15 s. a day in the capacity, and the half of Mr. Byrne's salary as assistant civil engineer, viz., 81 l. 5 s.

See Despatch to Secretary of State, No. 61, of 20th March.

As Mr. Byrne receives no pay at all during his absence (as his return was thought to be very doubtful), the half of his salary as assistant civil engineer, and also the half of his salary as assistant surveyor-general, at the rate of 100 l. a year, is saved; but in the event of his coming back again, he will be entitled to all the arrears of his half salaries.

The establishment properly consists of four assistant commissioners, but one of them is vacant (Rosamalecoque).

But an officer is borne upon the Provisional Establishment in place of one upon the Fixed Establishment.

CEYLON.

*Fixed Office Establishment.**Clerks.*

	£.	s.	d.
First Class.—Mr. H. E. Misso is strongly recommended for increase of pay. He now gets only 120 <i>l.</i> ; will begin at -	125	-	- (5 <i>l.</i> increase.)
Second Class.—Mr. Mack - - - - -	100	-	-
Mr. Perera (estimates) - - - - -	100	-	-
Mr. Vanderstraaten (draftsman) - - - - -	100	-	-
Mr. Christoffels (pioneer) - - - - -	100	-	-
Third Class.—Mr. Keluart - - - - -	75	-	-
Mr. David - - - - -	75	-	-
Fourth Class.—Mr. C. Van Langenberg - - - - -	50	-	-
Mr. H. Wenman (pioneer) - - - - -	50	-	-
Mr. Vandort (storekeeper) - - - - -	54	-	-
Mr. J. A. Van Langenberg - - - - -	54	-	-
N.B.—Mr. Perera gets 6 <i>l.</i> a month for horse allowance; 72 <i>l.</i>			
Fifth Class.—There are also four division clerks, one to each of the four fixed divisions of pioneers, at 40 <i>l.</i> a year each	160	-	-
Three messengers, at 10 <i>l.</i> 16 <i>s.</i> each - - - - -	32	8	-
One store cooly at Colombo (Pioneer establishment) -	10	16	-

These four divisions, as well as the other four, are all equally accounted for in the estimates for works, except the European officers' pay, &c., which is charged upon the provisional abstract.

The four fixed divisions have each a European officer at their head, who receives 7*s.* 6*d.* a day each, and 2*s.* 6*d.* a day horse allowance. This charge is at present borne upon the provisional abstract; but as the four divisions are upon the fixed establishment, the charges for the officers who command them should also be brought to account as fixed charges.

Total per annum, 547*l.* 10*s.*

The four unfixed divisions of pioneers have no European officers and no division clerks; the native officers do the whole duties.

Captain Cole proposes that the whole of the four unmixed divisions shall be entirely at the disposal of the road committees, and shall be paid by them.

At present all the charges of the pioneer divisions, fixed and unfixed, are brought to account against the respective estimates for works undertaken by Government.

The fixed Pioneer Corps consists, besides the European officers, of—

	£.	s.	d.
4 Serjeant-majors, at 2 <i>s.</i> each per day - - - - -	146	-	-
12 Serjeants, at 1 <i>s.</i> 4 <i>d.</i> - - - - -	292	-	-
12 Corporals, at 1 <i>s.</i> 2 <i>d.</i> - - - - -	255	10	-
12 Artificers, at 1 <i>s.</i> 6 <i>d.</i> - - - - -	328	10	-
12 Ditto, at 1 <i>s.</i> 3 <i>d.</i> - - - - -	273	15	-
16 Ditto, at 1 <i>s.</i> - - - - -	292	-	-
48 Ditto, at 9 <i>d.</i> - - - - -	657	-	-
416 Pioneers, at 7 ½ <i>d.</i> - - - - -	4,745	-	-
200 Ditto, at 6 <i>d.</i> - - - - -	1,825	-	-
40 Boys, at 4 ½ <i>d.</i> - - - - -	273	15	-
200 Women, at 1 <i>d.</i> - - - - -	304	3	4
	£.	9,392	13 4

The above establishment constitutes a fixed charge, and Captain Cole is of opinion that it is a most useful and economical one, and that no reduction can be made in it; but the cost is recovered from the estimates of works.

The unfixed Pioneer establishment does not appear in the estimates, nor in the annual Blue Book, because the cost of it is recovered in the accounts upon the estimates for particular works. But it actually is as much a fixed part of the corps as any other. The men are constantly attached to it, and are not mere coolies, hired when wanted.

It is composed of—

	£.	s.	d.
4 Native officers, at 4 <i>s.</i> per diem - - - - -			
8 Serjeants, at 1 <i>s.</i> 4 <i>d.</i> - - - - -			
8 Corporals, at 1 <i>s.</i> 2 <i>d.</i> - - - - -			
8 1st class artificers, at 1 <i>s.</i> 6 <i>d.</i> - - - - -			
8 2d class ditto, at 1 <i>s.</i> 3 <i>d.</i> - - - - -			
12 3d class ditto, at 1 <i>s.</i> - - - - -			
36 4th class ditto, at 9 <i>d.</i> - - - - -			
276 1st class pioneers, at 7 ½ <i>d.</i> - - - - -			
132 2d class ditto, at 6 <i>d.</i> - - - - -			
40 1st class boys, at 4 ½ <i>d.</i> - - - - -			
532	Total	£.	6,396 12 6
120 Women, at 1 <i>d.</i> each, or 30 women for each of the four divisions - - - - -			182 10 -
	£.	6,579	2 6

A private pension scheme was introduced by Major Skinner, to which all are obliged to contribute. It amounts to about 3,000*l.*, and is invested by the Loan Board Commissioners, but without the responsibility of Government.

Captain Cole suggests that the subscriptions of all the old men, who will soon die off or be obliged to retire, should be returned to them, as they cannot expect ever to be entitled to a pension; as one of the rules requires that they shall have subscribed to it for 10 years.

The reason for not putting the four subdivisions of pioneers upon the fixed establishment, and for omitting them from the returns comprised in the Blue Book, appears to be that they have not been sanctioned by or reported to the Secretary of State.

Kandy:						£.	s.	d.
1 Clerk, 3d class	-	-	-	-	-	72	-	-
1 Clerk and storekeeper, 4th class	-	-	-	-	-	60	-	-
1 Messenger	-	-	-	-	-	11	8	9
Jaffna:								
1 Clerk, 4th class	-	-	-	-	-	48	-	-
1 Storekeeper, 5th class	-	-	-	-	-	24	-	-
1 Messenger (but Mr. Dyke has recommended two)	-	-	-	-	-	7	4	-
Putlam:								
1 Clerk, 5th class	-	-	-	-	-	45	15	-
Galle:								
1 Clerk, 4th class	-	-	-	-	-	48	-	-
1 Messenger	-	-	-	-	-	9	3	-

On the provisional establishment there is also one superintending officer at Putlam, who receives 7*s.* 6*d.* a day, and 2*s.* 6*d.* a day horse allowance; total, 182*l.* 10*s.*

Of the four permanent assistants, one will properly be stationed at each of the following places:—Colombo, Kandy, Galle, and Jaffna. The other assistants or superintending officers will be upon the provisional establishment.

Captain Cole thinks that the gravets of Kandy ought to be placed under the civil engineer, and that Mr. Caley has fully as much to do independently of Kandy as he can properly undertake.

						£.
There is also a charge for rent for the department in the						
provinces (provisional) amounting to	-	-	-	-	-	42
Medical attendance for the pioneers	-	-	-	-	-	180
Estimate for transport for the department	-	-	-	-	-	800
Annual cost of clothing for the pioneers of both divisions	-	-	-	-	-	850

Elephant Establishment.

At present there are 19 elephants employed in the Road department, the annual cost of which amounts to—

						£.	s.	d.
Fixed charges for pay of drivers and leaf cutters	-	-	-	-	-	761	18	9
Contingent charges for food, batta, medicines, &c.	-	-	-	-	-	717	8	9½

Captain Cole thinks that not more than half the above number of elephants ought to be retained. Say, retain nine of the best, and get rid of 10. Their immense weight, and the cumbersome carts, do a great deal of harm upon newly-made roads, and the load they draw is not equal to the wear and tear of the road, and other expenses. A greater number of common bullock carts would be much better.

At least 800*l.* might be saved in the Elephant department, besides the wear and tear of waggons. When bullock carts are used, they are driven by the pioneers, and the maintenance of the cattle costs little or nothing.

A few elephants are valuable for very heavy works in opening new roads, removing heavy stones, fallen trees, &c., and in transporting heavy timber. The best elephants should be retained for these purposes.

Bullock Carts, &c.

There are at present about 55 bullock carts, and 119 bullocks, belonging to the department; there are also—

16 Scotch carts.	3 rollers.
8 waggons.	8 water carts.
4 sling carts.	1 hand cart.
15 trucks.	4 buffaloes.

More bullock carts will be required, but they cost little, as they are constructed by the pioneer artificers.

CEYLON.

2nd February 1850.

Present :—Hon. Mr. Templer, Hon. Mr. MacCarthy.

Lieutenant-Colonel *Brown*, Commanding Royal Engineers, Examined.

WAS 11 years in the island, from 1821 to 1832. At that time the superintendence and construction of roads and public works was done altogether by the Royal Engineers' and the Quartermaster-General's department. He does not know on what grounds the two separate departments of civil engineers and commissioner of roads were created.

The Royal Engineers, at that time, did not ask for or receive any extra pay for superintending civil works. The Ordnance department knows nothing of remuneration paid to their officers employed in civil duty. That part of it is left altogether to the discretion and generosity of the local Government.

The Royal Engineers did not, at that time, work on estimates, except, perhaps, in Colombo. There was a large fixed establishment at that time, and the greatest amount of work was got out of them.

It would be quite possible for the Royal Engineers to undertake the whole of the road department with efficient assistance and adequate office establishment.

Formerly, the Pioneer Corps were altogether a military body; they were subject to court-martial, but they were scarcely ever drilled.

He knows no reason why the Royal Engineers' work should not be done as cheaply as the civil engineers' work, provided the materials are furnished at the same price. The Royal Engineers always direct that all estimates shall be in full of all charges. They never send in supplementary estimates, except for deviations or alterations of the original plan, or augmentation in the price of materials. It is rarely done. But the Royal Engineers have no establishment whatever, except the clerks; no elephants or pioneers; and therefore they estimate for the total expense. But the civil engineer has a large auxiliary force, and supplementary estimates are frequent in that department.

Officers of the Royal Engineers could not be employed under civil heads of departments. They would require to have some additional pay, and would have to get allowances for horses and travelling.

Requisitions for tools, supplies, &c., when wanted, were always sent in, and the application of them was shown afterwards. The engineers cut timber and stone, and made other materials for themselves. The pioneers did an immense deal of work; they learn how to work, and therefore do it well and expeditiously. There was an artificer division of pioneers in former times. All roads were traced by the Royal Engineers and Quartermaster-general's departments at that time.

Every officer, at the time he is speaking of, in Sir Edward Barnes' time, had to send in a weekly report of progress, showing the exact amount of work done, and the number of men employed thereon, with the description of work on which the different parties were employed.

Is of opinion that the Civil Engineer and Road departments may be very well combined.

All the timber should be issued sawed from the commissariat. It would be better to let the commissariat advertise for tenders of sawn timber. The exact description of timber wanted would then be obtained, without the present amount of loss.

If the roads were under the Royal Engineers, the officers would have to move about a great deal. Colonel Brown is not prepared to say at present what establishment would be required to enable the heads of the Royal Engineer department to carry on civil duties.

Probable Civil Pay to be given to Royal Engineers.

Royal Engineers' additional Pay :—

	£.
1 Officer commanding - - - - -	500
1 Captain - - - - -	250
3 Subalterns, at 200 l. each - - - - -	600
4 Assistants, at 200 l. each - - - - -	800
£.	2,150

22nd January 1849.

All present.

Mr. *Simms*, Surveyor-General.*Survey Department.*—(Suggestions are requested.)

HE thinks that in the original instructions, or else in some of the correspondence which took place at the formation of the department in October or November 1845, a promise was held out by Government that assistant surveyors should be entitled (if fully qualified) to promotion, if they could show that the amount of work done, or of fees recoverable in any one year, exceeded the cost of their individual salaries.

It

It is not necessary that there should be so many surveyors on the fixed establishment. One in each province would be enough. The rest of the work might be done by contract; he means, that there should be provision made for as many assistant surveyors on the fixed establishment as there are provinces, but they should not be compelled to remain always in the same province. They should all be liable for general service of the colony. Only the best men should be put upon the fixed establishment, and no salary should be less than 300 *l.* per annum. Those who might be appointed upon a less salary would be employed upon the provisional establishment, and most of them would be engaged upon contract. House-rent at Jaffna is necessary, because there must be some place to keep instruments and plans, which cannot perpetually be carried backwards and forwards from Colombo. It costs only 1 *l.* a month.

Travelling Allowance and Horse Allowances.—Thinks that when horse allowance is given, the distance to be travelled, before travelling allowance should be allowed, ought to be fixed. Whenever, for instance, a surveyor changes his station, so as to require coolies, &c., beyond a distance of seven miles, he should get his travelling allowance.

It would be difficult at all times to apply for special authority for entitling the applicant to travelling allowances.

There might be much delay in getting the requisite answer, and it is very inconvenient, at certain seasons, to defer the execution of surveys that are really required. The surveyor is an exceptional officer entirely. His services are required at once, and it will not always do to create delay by sending distant applications. The surveyor is of necessity in constant locomotion; without free liberty in that particular the business of the department would come to a stand.

Mr. Simms refers the Committee to his numerous papers addressed to the Colonial Secretary, from time to time, upon the subject of his department, as containing his views in detail with regard to the survey of the island.

It would be quite impracticable to fuse the three departments of surveyor-general, civil engineer, and commissioner of roads, all into one. But the tracing of new roads ought decidedly to be intrusted to the surveyor-general; lines of road became important elements in the survey of the public lands generally.

You are not likely to have better lines of road laid out than heretofore, unless you employ both the surveyor-general and the practical engineer to lay out the traces. They ought to work in concert at all events; but the two departments could not possibly be combined in one, if the survey of the island is to be carried on with correctness and without waste of time.

The Road department and the Civil Engineer's department might probably be very well combined. Everything depends upon the amount of work to be expected. Some of the present lines of road have been very badly traced indeed, although Mr. S. is of opinion that new lines of road should be traced by the surveyor-general, still the old traces or lines of road might be placed under the charge of the civil engineer, and in all cases there ought to be concert and co-operation between these two departments in the laying out and management of roads.

Mr. Simms doubts very much whether the system of contracts for keeping the public roads in repair, or for constructing new ones would work well in this colony.

The foundation of roads requires the greatest possible care in its construction and the utmost nicety of workmanship. But for all the minor works requiring mere manual labour, such as cutting, blasting, metalling, &c., that part of the business might, in some places, be very well done by contract.

A general inspection of public works and roads ought to be sufficient for ordinary purposes, if undertaken twice or three times a year; the principal officer would not require to travel about constantly. Mr. S. does not think that a separate officer and a distinct establishment can be necessary for superintending the public works and roads in each province. One working officer for each department would be sufficient. The great expense in this country is for the superintendence. The best superintendent of roads here would be a thorough practical working engineer. Road-making and engineering of course go together.

He wishes to remark that officers proceeding to the stations of sub-accountants to receive money for the payment of their labours ought not, in any department, to receive travelling allowances. The practice has long been put an end to in the Surveyor's department, but as it has not been stopped in the Road department, it creates dissatisfaction in the Survey department and ought to be stopped.

Establishments.—Mr. Vanderstraaten, the head registrar of surveys, is old and useless; he ought to be superannuated.

He does not think he could at present reduce any part of his establishment. He has already less than the full strength of surveyors, and his office establishment is not greater than is really necessary to do the work.

Mr. S. has considered the proposed scheme for the classification of clerks, and suggests the alterations noted in the accompanying paper, with a view to meet the objects of the classification.

CEYLON.

PROPOSED ESTABLISHMENT FOR MR. SIMMS.

SITUATION.	NAMES.	YEARLY SALARY.	PROPOSED.
		£. s. d.	
Chief clerk - - - -	Mr. J. Alvis - - -	120 - -	Class 1.
Second ditto - - - -	„ J. Van Cuylenberg - -	100 - -	Class 2.
Third ditto - - - -	„ W. J. Lourcaz - -	60 - -	} Class 4.
Fourth ditto - - - -	„ E. G. De Run - -	50 - -	
Head registrar of surveys - -	„ P. E. Vanderstraaten* - -	80 - -	Class 3.
Second ditto - - - -	„ C. A. E. Maas - -	60 - -	Class 4.
Examiner of surveys - - -	„ J. H. Gomes - - -	60 - -	Class 3.
Ditto - - - -	„ C. P. Dias - - -	60 - -	Class 4.
Draftsman - - - -	„ J. E. Van Cuylenberg - -	100 - -	Class 1.
Ditto - - - -	„ F. J. T. Foenander - -	60 - -	Class 3.
	Total - - £.	750 - -	

* To be superseded or placed on retiring pension.

Chief clerk should be a first class appointment, otherwise the department will not be able to get good men to enter in that branch, the members of which are eligible for promotion to this post.

The head draughtsman has very important duties to perform, and considering the difficulty in inducing men to give attention to work of this kind, and the value of a good man, I think that this appointment should likewise be first class.

The remaining proposals do not seem to require any remarks, except that, as regards the examiners of surveys, if it be not thought too costly, it is desirable that they be placed on the same footing in the third class.

(signed) W. H. Simms.

25th January 1849.

Present:—Sir J. E. Tennent, Mr. Templer.

Mr. VANE, Acting Collector of Customs.

Customs Department.

Mr. SAUNDERS, the collector, appears to have anticipated, before he went on leave, a prospective reduction of expense, consequent on the abolition of the export duties. But this does not prove to be the case; the only reduction yet made is that of the third cloth taxer, at 20*l*. The reason is, that the establishment has always been very limited and would not bear reduction. The labour connected with the collection of the export duties was very small. The third cloth taxer, who is now reduced, was really the person who acted as export landing waiter.

There is great objection to having too small a permanent establishment, for even now it is found necessary to employ extra landing and tidewaiters in the busy season, and it is very difficult to get trustworthy men.

One clerk at 50*l*. may also be dispensed with (Mr. Authonisz), but the individual will still be employed in the department. The collector is to be reduced, as regards the successor of the present holder, to 800*l*. from 1,000*l*. a year. But Mr. Vane is of opinion that the salary of 800*l*. a year is not sufficient for an officer having so much responsibility, and of such a standing in this colony and in this climate.

The controller has recently been reduced from 750*l*. to 650*l*. a year. But Mr. Vane is of opinion, that, considering the expense of living here, the reduced salary is not sufficient for the position and the amount of labour and responsibility connected with it. At present there is only one shroff, instead of two. The one officer, however, is to receive the whole salary of the two, 120*l*. a year, and is obliged to find his own assistant. It is not possible to get an officer who is able to give the requisite security at a lower salary.

With regard to the out-door department, Mr. Vane is clearly of opinion that a European ought to be appointed landing waiter to the Queen's warehouse, to take the place of Mr. Ledulx, who only gets 80*l*. a year.

No one else could be got to take the office at so low a salary. He is perfectly honest, but is deficient in the proper knowledge of the values of articles; natives or burghers do not easily acquire it, as regards European goods.

Mr. Saunders agreed with Mr. Vane that the head landing-waiter ought to be a European, and should have a salary of 200*l*. a year. In a case of emergency, as for instance, in the event of sickness of the controller, or absence on duty, there is at present no one to assist him in that department, except the chief clerk, who is really a very efficient and trustworthy man, but who has many other duties to attend to. A good European landing-waiter would be able to relieve the controller.

According to the new arrangements, the collector is directed to visit the outposts instead of the controller, and, therefore, the controller is in fact relieved from this duty,

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if the collector can leave Colombo in the busy season, which is very doubtful, that is, as regards the Southern and Western Provinces, between the end of October and the end of April. The collector is also a member of council, the comptroller, being also principal landing surveyor, is constantly occupied so much with his out-door duties, that he could not be expected to pay that attention during the busy season to the duties of the collector (in addition to his own in-door duties as controller) which would be desirable; either the in-door or the out-door duties would probably suffer.

The proposed substitution of a European at 200*l.* per annum, instead of a native at 80*l.*, would apparently entail an increase in the present fixed expenditure of 120*l.*; but the reduction lately made in the salary of the comptroller of 100*l.*, and the abolition of the office of third cloth-taxer at 20*l.* a year, will make up the difference, so that in this point of view there will be no increase in the expenditure of the department.

In fact, there will still have been a real reduction of one clerk at 50*l.*

With regard to the out-door department of Colombo, Mr. Vane is of opinion that so far from any reduction being practicable, there ought to be an increase in the salaries paid to this portion of the department.

Their duties are of a more responsible nature than those of the in-door clerks, involving a very important degree of trust; he thinks that they ought to be put at least upon the same footing as the clerks.

There is also a reduction in the contingent salary of a weigher of 6*l.*

The admeasurement of vessels, on behalf of the customs, ought to be, and might be, done by the landing-waiters of the customs, as is already the case at the outports.

It is not necessary that the master-attendant should be employed in this duty. Few vessels are measured at this port, and they are principally small native brigs and dhomes. A trifling fee is paid for the measurement, according to a minute of Government.

Mr. Vane hands in a tabular statement, showing the receipts and expenses of the customs for the whole island (distinguishing the respective ports) for the last three years.

From this statement it appears that the cost of collection of the port of Colombo does not exceed $3\frac{1}{10}$ ths per cent. of the receipts, and the cost of the whole Western Province $4\frac{1}{2}$ per cent. That of the whole island is only 7 per cent., including all the minor ports. But the abolition of the export duties, by diminishing the total receipts, will have the effect of showing an increased relative per-centage of expenditure. Hence the cost of collection at the ports of the Western Province exhibits an apparent per-centage increase from $4\frac{1}{2}$ to $5\frac{1}{2}$ per cent.

It is to be remarked that at some of the minor ports the revenue collected is so small that the cost of collection at those particular ports varies from 12 to 20 and 24 per cent., and even at two ports it rises to about 38 per cent., and at one port to 57 per cent. on the average of three years, although the actual expenditure is on the lowest possible scale at these ports. They are, in fact, maintained principally as ports of observation, and for the convenience of trade.

One port also is kept up now (since the abolition of the export duties), Gindurah, solely as a preventive station. The receipts on imports just cover the expense.

Mr. Vane requests that his statement of the expenses of collection may be well considered before he is further interrogated respecting it.

Lighthouses.—Mr. Vane is of opinion that a moderate charge might be fairly levied on all shipping above 50 tons (excluding the native dhomes, but not square-rigged vessels), as light-dues for maintaining the expenses of the lighthouses at Colombo and Galle. He would have one payment on entering, not at so much per ton, but at so much for the ship, as from—

	£.	s.	d.
50 to 100 tons	-	-	5
100 to 200 "	-	-	10
200 to 300 "	-	-	1
300 to 400 "	-	-	10
400 tons and upwards	-	-	2

whether with or without cargo.

There is no port in the East at which the charges on shipping are so light as in the ports of Ceylon.

Calpenny.—Under this port is the supervisor of Chilaw, who draws a contingent salary of 36*l.* He is no longer required; he is doing the duty of fiscal, and merely draws the salary as supervisor, without any duty to do. He is old, and is entitled to a retiring allowance, or at least from long service his case should be considered for compensation.

SOUTHERN PROVINCE.

Galle.—No reduction whatever can be made at this port, indeed it requires an additional landing-waiter, and a tide surveyor as a distinct officer. The present arrangement of the landing-surveyor performing also the duty of tide-surveyor is insufficient for the purpose, considering the great increase of late in the number of vessels entering the port, and the known facilities for petty smuggling, which is carried on to a large extent. At all events, an additional tide-surveyor is absolutely necessary at Galle.

Hambantotte was declared a port of entry in 1845; many vessels touch there on their way to the southern ports, and they would gladly land a part or all their cargo of rice there

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(where they would find a good market), and fill up with salt for Galle. It is therefore a question whether or not it would be worth while to form a small establishment at Hambantotte, making the assistant-agent also sub-collector, and giving as an establishment a landing-waiter at 50 *l.* per annum, and a tide-waiter at 12 *l.*

The assistant-agent has already applied for some establishment, but Mr. Vane has deferred sending in any proposal to Government, until he shall have visited Hambantotte and conferred with the assistant-agent.

N. B.—Mr. Vane has come to the conclusion that no establishment ought to be formed at Hambantotte. It would not be worth the expense.
(signed) *W. D. B.*

N. B.—He has since visited Hambantotte, and does not recommend any additional establishment.

NORTHERN AND EASTERN PROVINCES.

Jaffna.—The third clerk at 40 *l.* might be reduced, provided the first and second were really efficient; but the chief clerk is too old, and ought to be put on a retiring allowance (Mr. Gratiaen). He would not be equal to undertake any additional duty. In his place a clerk might be sent from Colombo, who has been employed there before as second clerk, and is acquainted with all the details of the office. By this arrangement the junior clerkship at Colombo of 50 *l.* might be abolished, and a general promotion would follow in the department up to that point.

Cayts.—Within the port of Jaffna there are five landing-waiters borne on the establishment of Jaffna and Cayts, one of these may be dispensed with at 50 *l.* a year.

He has already proposed to Government in July 1847, and to the Board at home, to appoint a sub-collector at Cayts, with 100 *l.* a year, in place of the two searchers at 50 *l.* each.

Manaar.—It is a question requiring communication with Mr. Dyke, whether the landing-waiter at Manaar may not be abolished at 50 *l.* a year. Question remains open for the present.

Tallamanaar.—Is of opinion that it would be very advantageous to have a sub-collector at Tallamanaar, on account of the number of vessels which arrive there at certain seasons with Coolies and cattle, by whom a certain degree of smuggling must be carried on. But the convenience of trade also demands it, for at present the tindals of native vessels are obliged to go to Manaar and back in order to report and clear their vessels and pay the port dues, a distance of 36 miles, which they are obliged to travel on foot. As they have to pay port dues, it is but fair that the native vessels should have every reasonable facility for getting clearances paying those dues.

It was originally suggested by Mr. Dyke and Mr. Crafer, and approved by the Board at home, that a sub-collector should be appointed at 80 *l.* a year. It was refused by the local Government or not taken notice of. But Mr. Vane's proposed arrangement would not entail any positively new expense, and would afford an opportunity of testing the propriety, or otherwise of making a permanent appointment there. The same individual would also act as protector of the Malabar Coolies.

N. B.—Formerly there was no sub-collectors.

Trincomalie.—To make inquiry of the agent at Trincomalie, whether any and what reduction could be made in the customs at Trincomalie. The revenue collected does not much exceed 2,000 *l.* to 3,000 *l.*, and it is possible that the clerk might be dispensed with. The agent is collector, and there is a sub-collector at 225 *l.* Probably the cutcherry might be made of more utility for this department. Mr. Burrows suggested that the assistant-agent should be also sub-collector. The shroff of the customs might possibly be dispensed with, and the money might be received at the cutcherry direct. But this matter is open to inquiry of Mr. Whiting.

Batticaloa.—The receipts are only a little above 200 *l.* a year. There is only a preventive officer there, with 40 *l.* a year. But if the port were better watched, it is probable the revenue would increase, as there is a large import of rice, &c. Mr. Atherton has been directed by Government to pay more attention to the detail of his duties as collector.

Mr. Templer suggests that a medical sub-assistant should be stationed at Tallemanaar, who should be allowed an addition to his pay of 50 *l.* a year to do duty as sub-collector there. He ought to have two good peons under him. The present health officer should be abolished; he only gets 12 *l.* a year.

This plan would render a sort of foster of the junior medical sub-assistants necessary, as suggested by Mr. Fleming.

24th January 1849.

All present.

JAMES STEWART, Esq., Master Attendant of Colombo, Examined.

Master Attendant's Department.

Pearl Fisheries.—WHEN he took charge of the department he regarded his salary rather in the light of a retaining fee; he could, in fact, have made more by his own profession. The salary was the same as at present, 700 *l.*

After the report of the commissioner of 1832, the inspection of the pearl banks was recommended to be taken from him, and a naval officer was to be appointed for that especial duty at 500 *l.* a year. That gentleman, Mr. Quinton, held the office afterwards for several years. In the new schedule of 1833, the master attendants were included at the same rate of salaries as they before enjoyed under the title of "Harbour Masters."

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The duties of harbour master, however, only constituted a part of the duties of master attendant, and in his, Mr. Stewart's opinion, the least important part. The duties of master attendant are more responsible than those of harbour master, and are more extensive; he is in fact at the service of Government to do anything he may be required to do relative to maritime matters. He formerly stated to Sir Colin Campbell that the supervision of the pearl banks did not require the services of a distinct officer. He would have recommended that there should be selected for the particular occasion which might render it necessary some one young man on the spot who might be judged competent to undertake this special duty for the time. Mr. Quinton was not appointed until three years after the schedules came out. At Mr. Stewart's recommendation, the appointment of a separate supervisor of pearl banks was suspended.

The commissioner of revenue, Mr. Boyd, used himself at that time to go up to superintend the fisheries.

When the office of commissioner of revenue was abolished, the pearl banks were put under the charge of the respective Government agents of the particular provinces or districts in which the banks were situated. Mr. Dyke took charge of pearl banks about 1835 or 1836. The pearl banks became productive. He, Mr. Stewart, had a difference of opinion with Mr. Dyke about the banks, and then a separate supervisor was appointed. The colonial secretary, Mr. Anstruther, went up to the fisheries. The collector of Manaar drew 300*l.* a year for some time as supervisor of the banks; as he was a magistrate, he remained ashore to act in that capacity, and Mr. Stewart did the duty afloat during the fisheries. When Mr. Quinton was appointed as sole supervisor, the other appointment ceased. Mr. Stewart was ordered up to give over the charge of the banks to him. His first fishery was in March 1836, and was not very successful.

Mr. Quinton's report differed from Mr. Stewart's previous one. There has been no great fishery since 1837.

The Secretary of State had decided that the supervisor of the banks should command the Government sailing vessel, which was often required for other purposes. Then came the "Seaforth" steamer in 1840, and Europeans were required to superintend and manage the vessel.

Mr. Quinton lost his health, and soon after left the service.

Mr. George Stewart was then appointed to the command of the "Seaforth," and to be inspector of pearl banks on 400*l.* a year. Mr. Anstruther soon afterwards came out and upset all that arrangement.

From that time there was no supervisor of banks; but then the question arose, whether Mr. James Stewart was inspector properly and *ex-officio*, and it was decided that as it was a duty to be done on the ocean, the governor had power to order the master attendant to do it. Hence he did it without any special allowance for the work.

Besides the more strict duties of harbour master, he has here also to perform the duties of customs measurer, that is, he has to measure the actual tonnage of vessels for registry, all new vessels, and all foreign vessels. He is, in fact, surveyor of shipping to the customs.

The whole expenses of the master attendant's department are more than defrayed out of the proceeds of the port dues.

He is of opinion that the salary of the master attendant at Colombo should not be reduced, even as regards the successor of the present holder of the office, for the reason already stated, viz., the extensive and multifarious nature of his duties and responsibilities, beyond that of mere harbour master.

Does not think that any reduction can be made in the rest of his office establishment. Formerly the Government had a report boat, which has been long done away with.

The sail-maker might be dispensed with, but he is the only man that can be spared.

The caulker also acts as peon in the office.

Pilots.—They are all Government servants at present at Galle. He thinks that the pilots might be amply paid out of the pilotage fees, without any salary from Government.

Mr. Stewart is decidedly of opinion that there must be officers of high standing as master attendants at the principal ports.

At Trincomalie, the Admiralty would certainly appoint a master attendant of their own, if the local government did not. There is very little trade there, and very slight advantage to the mercantile community from the presence of a master attendant.

Mr. Freywer, the assistant master attendant of Colombo, is a pensioner; he now only gets the difference of salary between his pension and the salary of the assistant master attendant.

Formerly, the masters attendant were permitted to be subscribers to and derive the usual advantage from their contribution to the civil fund, at an early period of its existence.

They were entitled to 400*l.* a year pension after 12 years. In 1813, the masters attendant were called upon to give up their right of private trade; and both the masters attendant retired on their pensions in consequence. The next master attendant served 10 years, and then retired on a pension of 200*l.* a year.

Sir Edward Barnes rescinded the order as regards masters attendant. His desire was to encourage them to trade, in order to keep the place regularly supplied with marine stores.

In 1835, after the cinnamon monopoly was abolished, arrangements were made with the agents at Madras that Mr. Stewart should conduct the advances to the merchants of

The pilotage fees at Galle last year amounted to more than 700*l.*

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cinnamon, for the payment of the Government duty of 3s. per lb., and the bills were sent to Madras with shipping documents.

He was afterwards prohibited by Sir Robert Horton from continuing to trade, and he was allowed a year to wind up. Mr. Parlett wanted to get it, but Mr. George Stewart, his brother, came out and undertook the whole business.

Formerly the Government derived a revenue from hiring boats and letting them out again at one-third higher rate for ship's purposes, as cargo-boats, &c. The master attendant then took to building boats himself. Mr. Stewart applied afterwards to be employed in some other department included in the civil service, but it was refused. He was told that his claim for pension would be considered at the proper time, but no distinct pension was promised. His application to be allowed to subscribe to the pension fund has been always refused. All the three masters attendant have been equally refused.

But Mr. Stewart was informed by Lord Stanley that his pension would be a matter for future consideration.

He never knew any thing of the amount.

He considers that it would be impossible to find three better or more thoroughly competent men for their respective offices than the present masters attendant of Colombo, Galle, and Trincomalie; but neither of them could be transferred with advantage to any other port in the island; for instance, the master attendant, who is perfect at Trincomalie, would not do for the same office at Colombo, neither would the master attendant at Galle be well adapted for this port. (He hands in a statement of expenses.)

Master Attendant.—(Memorandum.)

Colombo, 29 January 1849.

HAVING been unexpectedly called upon to appear "immediately" before the finance committee, I am apprehensive that I may not have impressed on the minds of the gentlemen present my reasons for considering that the salary of my office and the general expenditure of my department do not admit of further reduction, the latter having been reduced from 20 boatmen to 16, or two sea boats' crews.

In reference to the first question put to me by the treasurer, in regard to my own salary, I replied, that when I took the office of master attendant, nearly 24 years ago, I considered the salary more in the light of a retaining fee than as full remuneration for my services; because at that time I was earning more than its amount by my professional pursuits. To this I should have added, because to the office of master attendant were attached other advantages, emoluments, and privileges, which, with the proceeds of the sale of the ship I commanded, she being my own property, I fully expected to turn to much greater advantage than I afterwards discovered to be possible; and that all these emoluments, advantages, and privileges have since, one by one, been taken from me,* and the additional office bestowed on me by the governor, to compensate in some degree for their loss; that of commissioner of the loan board, on a salary of 200*l.* a year, has also passed from me in consequence of my proceeding to England on medical and surgical certificate, so that there is positively no officer at present serving the government of Ceylon who has suffered so great a diminution of income as I have; but then I am a sailor, and they, from the admiral to the tar, generally go to leeward in such matters.

It may be said, that notwithstanding the truth of what I have herein stated, of the hardness of my individual case, still in these times of general retrenchment the office might be filled for a less salary. To judge fairly of this general proposition, which applies equally to every public office in Ceylon, we should first ascertain the value of the salary, and, secondly, consider the nature of the duties required to be performed.

The salary of the master attendant at Colombo is set down in the schedule of fixed establishment at 700*l.* per annum; but this sum is more nominal than real, inasmuch as the master attendant has not had a port or harbour residence since 1817, when the roof of the last English one was blown off in a storm, the house subsequently pulled down, and its site appropriated to the improvement of the grounds of the Queen's House. There being no port or harbour residence at Colombo is an exception to the general rule in all parts of the world, it being usual for either the harbour master or his deputy to reside in the harbour-house, commanding a view of the shipping in port.

The rent of my residence is 80*l.* per annum, which, being deducted, from 700*l.*, leaves 620*l.*; and this, being paid in a depreciated currency by at least 6 per cent., brings down the nominal salary of 700*l.* per annum to the real or intrinsic value of 590*l.*, in comparison with the salaries of similar offices in other British possessions.

The present salary of the master attendant at Colombo is the same in amount to that which my predecessors in office received. It is the one upon which I was engaged to serve this government 24 years ago. The commissioners of inquiry did not think it high; but, on the contrary, they recommended that an office should be created to relieve me of part of the duty which I performed, and which has again reverted to me. Neither was my salary increased, as those of other public officers were, under the erroneous impression that the revenue derived from the sale of Crown lands and from customs duties on improvident speculations, was of a permanent character.

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* If I had been deprived of the whole at the same instant, I should, beyond all doubt, have resigned the service; for in 1835 I was dissuaded from such intention by my late friend, the Hon. Mr. Boyd, then commissioner of revenue, and who knew my health had been much impaired by severe illness, contracted at the pearl fishery in 1829.

As in England so in Ceylon, port dues are levied on shipping for the purpose of defraying the expenses of harbours, light-houses, and other necessary marine establishments. These collections are distinct from import and export duties on merchandize for the general support of the State; and notwithstanding the Treasury of Ceylon does not preserve that proper distinction which is done at the custom-house, it is important to bear in mind that such a proceeding, irregular in itself, does not affect the general principle, that the master attendant's salary is not paid by the inhabitants of Ceylon, but by a tax on the shipping which frequent the port, Colombo not being a free port.

The next consideration involves the nature of the duties which are performed by the master attendant.

I remember that not long after my appointment to the office, I required from my respected predecessor a general outline of what he considered to be the master attendant's duties.

The late Captain Chrisp was an old officer of the East India Company's commercial marine, and he was a worthy old gentleman, possessed of considerable humour. He replied to my inquiry in his usual jocose way, "O, O! my young gentleman! so you expected you were to be confined to your duty as captain of the port, did you? Do you remember the name of a very useful fellow at an English inn; the man you would call for on coming off a long journey? his name is Boots! and you will soon find that you are Boots to the Civil Service of Ceylon; to do everything, Sir, which they can't do, or won't do." In other words, the master attendant being able, may be (and often is) required to perform other duties than his own, while other public officers, not understanding the duties of master attendant, could not be expected to perform them: and at that time the collector of Manaar received a salary of 300 *l.* a year as supervisor of the pearl fisheries, while the duty of the office was done by the master attendant. It becomes me, however, to be more definite in this paper, and consider, in the first place, that the master attendant is harbour master, and that it is in this part of his duty that he is more particularly prominent to the present English commercial community, and compared by some of them to harbour masters in Europe. It is, however, doubtful if harbour masters, or even dock masters in England, where a similar description and a similar amount of tonnage are superintended, receive less remuneration for their service, including a residence in their native land, than 500 *l.* a year.

In the second place, the master attendant performs the duty of surveyor of ships and vessels to Her Majesty's Customs under the Navigation Laws, which renders a salaried officer for such particular duty unnecessary here. Now harbour masters in England do not perform this duty,

In the third place, he is master attendant, which is, a master mariner in attendance at the seat of the Government of Ceylon; his naval adviser on all points connected with the sea, with shipping, and with navigation; to take charge of and to direct all matters and things of a marine character belonging to the Government; to survey ships for the conveyance of troops and public stores, and to do or cause to be done every other public service connected with or conducted on the sea. He is, in fact, to the Government of Ceylon for its local purposes, what the heads of the marine establishments of the Presidencies of India are to their respective governments; and,

In the fourth place, he does the duty on the pearl banks of both supervisor and inspector, the pay of the former office on the schedule of fixed establishment being 500 *l.*; but since the last supervisor retired from the service, the duty, being on the sea, has devolved on the master attendant.

Previous to 1836, the master attendant had the management of the pearl banks, and the fishing of them. He was relieved of that part of his duty in October 1835, by a naval officer, in pursuance of the proposal of the Commissioners of Inquiry, approved by the Secretary of State; but for the last seven years the examinations of the pearl banks have been conducted by the master attendant.

It must be evident to every reflecting mind, that for the effectual performance of the various duties required of the master attendant, it is imperative that such officer should be selected from among the best of his profession. His knowledge of the merchant sea service in all its various details should be complete. Commanders of ships should respect and feel confident in his professional abilities and judgment, for in the absence of such respect and confidence it would be impossible for him to execute his duty as it ought to be performed. Hitherto the underwriters and insurance companies, as well as the resident merchants in Ceylon, have depended on his opinion of the qualities of merchant shipping, and have dispensed with a salaried surveyor.

It may still be required of me to show cause why my successor's salary should not be less than mine. In support of my opinion that the salary should not be reduced, I would instance the incomes of the officers commanding the Oriental Steam Navigation Company's steamers which frequent Ceylon. This company of private persons, to command their ships like the Government of Ceylon, require the services of the most able master mariners; and they find it is prudent, in order to insure the services of such men, to give them incomes of from 600 *l.* to 750 *l.* or 800 *l.* per annum, independent of every expense for their subsistence, even to the allowance of a personal servant.

Reverting to my own individual case. The late Sir Edward Barnes fulfilled the intention of the preceding governor. The Hon. Sir Edward Paget had appointed me master attendant at Colombo. His Excellency subsequently recommended me for permission to subscribe to the Civil Pension fund, as my predecessors had done. But the Secretary of State did

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not please to grant me such indulgence. On being deprived of the last of the emoluments of my office in 1839, I requested that the loss of such emoluments and my successful exertions at pearl fisheries, should be taken into consideration in fixing the amount of my retiring pension. To this application I received a favourable reply. Since that period a general pension scheme has been established, from the benefits of which the masters' attendant are the only officers excluded. The cause of this very remarkable and peculiar exclusion is involved in mystery, which neither the Secretary of State nor the local Government have been pleased to unveil; nor have I received a decision on my application for permission to subscribe to the said pension scheme.

Under all these circumstances I purpose to continue my faithful services to the Crown; and when I shall have completed 25 years, the very best portion of my professional life, I shall then be in the 60th year of my age, and shall then hold myself in readiness to retire upon not less than half the amount of my present salary, whenever a younger man is required to succeed me.

The establishment of the master attendant at Colombo is similar to the crew of a well-regulated merchant ship. It is divided into two watches; one of these watches or boat's crews with officers being alternately on duty every night. The number of boatmen is barely equal to the duty during the day, as they have to row off the port surgeon and the custom-house searcher to every vessel entering the port, besides those duties which usually devolve on harbour masters' establishments and those connected with Government, as described in the duties of master attendant. The pay of the establishment admits of no reduction. In fact it is not now sufficient to secure the services of the best men, as the old ones give place. There was a time, however, when employment in the master attendant's department was much desired by the best mariners and boatmen of Colombo; but this was in happier days, when Ceylon was an Indian possession of the British Crown, not misnamed a colony, and handed over to the tender mercies of English adventurers, who have ruined themselves and brought embarrassment on the Government.

Independent of departmental considerations there are others, some of which I may fairly mention, why my salary in particular should not be reduced in consequence of the revenue of Ceylon being inadequate to its expenditure.

In the first place, my present salary is the one which I bargained for on entering the service of the Ceylon Government, and all the emoluments of my office have been taken from me.

In the second place, it was not considered high by the Commissioners of Inquiry. They deemed it prudent to lessen my duty, but not my salary.

In the third place, it was not increased, as the salaries of other officers were, and new offices established, when our rulers were impressed with the erroneous belief that the increased revenue, consequent on the sale of Crown lands and import duties on improvident speculations, was a permanent character: and,

In the last place, because, as the following copies of letters testify, that I foresaw and pointed out the consequences that would follow the mania for planting speculations which prevailed in Ceylon a few years ago, when the excess of revenue should have been husbanded to meet the difficulties which now exist in the local exchequer.

"Sir,

"The news brought from New South Wales by the 'Cressy'* so confirms the groundlessness of the opinions on Ceylon affairs advanced in the accompanying letter, which was written some months ago, and accidentally thrown aside, that I am induced to send it to you for publication.

"It is worthy of remark, that the distress and stagnations of trade in New South Wales should be attributed to the high rate of interest demanded by money-lenders, instead of the overflowing amount of English capital, real and fictitious; banks, and their paper currency, imported where there is not a labouring population in proportion.

"The present distressed state of New South Wales, and the prospective state of Ceylon are very nearly parallel cases. The evils of overtrading and speculation on borrowed money were warded off in New South Wales by the continual influx of convict labour, and the high price of wool; even so are the injurious results of a similar 'go-a-head' system kept from us, by Malabar labourers, and the ruling prices of coffee. When convict labour ceased to flow into New South Wales, and the price of wool declined, speculators ceased to be able to meet their engagements to the money-lenders, and then followed the usual stagnations of trade, reduction in the prices of every article of produce, house-rent included, workmen thrown out of employ; everything being on the decline, except cash; and it, like the phoenix of old, rises on the ruin of all. It seems to be the common error of us all, to value money in all cases by the rate of interest obtained for it, instead of comparing it with the quantity of other things it will purchase, and this seems to be the mistake of the New South Wales legislation, in their debates on their usury law.

"I am, Sir, yours,
(signed) "N. B."

* The "Cressy" arrived from New South Wales in 1843, bringing Sydney papers with the debates in the Legislative Council on the Usury Law, and accounts of the monetary crisis in that colony.

"Sir,

"A good deal has been said lately respecting the bank of Ceylon, and the introduction of a branch of another from Bombay to afford facilities to speculators, which the present institution is not disposed to do.

"It is difficult to imagine what some people require; but so far as I can understand the terms of the Bank of Ceylon, they seem to afford credit to me that should satisfy all prudent speculators, and I am convinced, that another bank would merely add to the evils we are at this time suffering under, namely, the high prices of labour, provisions, and all articles of island or Indian produce.

"It is clearly not altogether the scarcity of labour and provisions which causes increased prices; but it is owing to the superabundance of money brought into the country. Money has become cheaper in Ceylon, that is, of less value. And, as if it were to add to this evil, we have a bank issuing paper money by wholesale. This state of things must now go on, for the disease cannot easily be checked. But as the sore rankles until it bursts, we can in the meantime merely apply soothing specifics.

"What have been the chief causes of the increase of pauperism in England but over-trading, over-manufacturing on fictitious capital—bank paper?

"In a country where labour is superabundant, the evil consequences of trading on false capital falls generally the heaviest upon the working poor; but in Ceylon, where labour is not abundant, the effect will be more severely felt by speculators on borrowed money, and I deeply fear we shall not be very long before some persons will begin to suffer.

"It is but a few years ago that our rulers were exerting every means in their power to induce capitalists to come to Ceylon. We have now too many, and why? Because we have not a working and producing population in proportion.

"It is the same with countries, or whole communities, as it is with individuals; there is a limit beyond which it is dangerous to force the condition of either; in one inflammation, disease, and death are the consequences; and in the other, bankruptcy and ruin. There is scarcely any country so very poor but what possesses within itself sufficient means for its own improvement and advancement in a safe, healthy, and gradual manner, if those means be properly and legitimately employed. It has proved a great mistake in the rulers of Ceylon not calling for men of talent rather than a bank; for of capital we had enough in the beginning, but not of men of ability to apply our resources to advantage.

"It may be said we had not capital to form sufficient plantations in the interior, and that now we have a bank to supply us with the necessary cash. True, but remember this bank issues paper money without giving real security to the Government on behalf of the public; and already the price of labour has risen nearly 50 per cent. (which in itself proves we have more than enough capital for the employment of the Singhalese people, without risking the destruction of their race by hordes of Malabars. I fear it is not the welfare of the native population that we care about, but the success of our own speculation). Now, let us suppose that a bank with 30,000 *l.* in paper circulation should stop payment, what security have the holders of this paper? The Government stamp would avail them nothing, no, not even if it had been legally paid for, as in justice to the law of the land and the community it should have been. But if the Government had reserved the right of issuing paper money, and had made some thousands of Treasury notes, and have lent them out on real security on a low rate of interest, the public would have been safe under all circumstances. These Government notes would, under such circumstances, have represented real property secured in the hands of Government, and the interest on the borrowed money would have formed a source of revenue paid voluntarily, and which would not bear on the poor and needy.

"I have, &c.

(signed) "N. B."

(signed) "James Stewart."

22d January 1849.

Dr. DAVEY, Superintendent of the Lunatic Asylum, and Dr. FLEMING, Assistant-Surgeon of the 37th Regiment, and Superintendent of Vaccination.

Medical Department.

Is only acquainted with the medical arrangements at Colombo, not with those of the districts.

Thinks that considerable economy may be effected without injury to the department.

The superintendent of vaccination and the officer in charge of medical stores should constitute one office.

The two should be united, receiving only one pay.

A larger number of medical sub-assistants are employed than necessary.

One officer can do the duty both of the gaol and the lunatic asylum.

The leper hospital does not require a resident sub-assistant.

It is a rule, at home, that there shall be no resident medical officer except where there are 100 patients.

There must, of course, be a resident officer at the pauper hospital at Colombo.

The medical sub-assistants are some of them not very efficient.

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The Government should encourage the European resident practitioners to attend the hospital gratis, as they do already for the general dispensaries, and as is the usual practice with regard to hospitals in England.

The hospitals ought to be made schools of instruction to a certain extent, which they are not at present.

All the native medical practitioners should be licensed, at least none should be allowed to practice without a licence.

Possibly the dispensary might be united with the Pettah Hospital with great advantage.

No native practitioner ever attempts to perform or to encourage vaccination, so far as he knows.

The reports of the medical sub-assistants at out-stations are said to be little to be relied upon.

The civil medical arrangements of the island ought, in his opinion, to be kept distinct from the military arrangements. The promotion of old military medical officers to civil appointments in this colony is quite unnecessary for the purposes of the colony. With two or three medical sub-assistants in Colombo, he thinks that the private practitioners might do the whole of the work required for hospitals, gaol, and other charitable institutions.

Very little interest is taken at present by the practitioners here in the public institutions.

It might and ought to be otherwise.

On his own retirement from the lunatic asylum, he thinks that it might be properly attended by the superintendent of vaccination. But there is the objection that military men are liable to be removed, and the moral influence of a new man over lunatics is not soon acquired.

He fears that when he is gone, there will be a resort to fetters and manacles, and restraint again, which he has never yet found to be necessary for native lunatics. When he came here he found the lunatics violent, maniacal; they were driven to violence by restraint, now they are apathetic or idiotic, rather than violent, but not generally troublesome.

He thinks that the superintendents of vaccination generally are not necessary for vaccination purposes.

They are, in fact, assistants to the principal medical officer, and as such are not all required certainly. He would give all such appointments, if they are to be retained, to civil officers, under the superintendence of the Government agents.

Government may hereafter probably be able to get rid of many expenses which it must at present continue to incur.

He is confident he could himself undertake to do the whole duties of all the medical establishments in Colombo, including the medical stores, with three medical sub-assistants, if properly selected.

He is of opinion that all the hospitals are under-dieted. In the lunatic asylum he has found that a variety of diet and bulk are necessary for the patients. The natives here do not bear strong concentrated meat diet. They require bulky food, rice, vegetables, &c.

The Government gain in reality much more by good dieting of patients, for they are discharged from the hospitals sooner.

In the pauper hospital the dietary is lower still than in the lunatic asylum. In that the quantity is too small. In the lunatic asylum the quality is not good enough; the quantity is sufficient.

The leper hospital is in a very bad situation: Hendelle is too far off from the town.

Dr. Fleming, Assistant-Surgeon of the 37th Regiment, Examined.

His civil duties are to superintend all the hospitals in Colombo, the hospital at Hendelle, and the gaols both at Wellicadde and at Hulfsdorp.

Generally the native-vaccinators, he thinks, if well looked after, do their duty pretty well. He much doubts whether the vaccinators generally could be diminished in number, the benefits are very great both to the natives and to the Europeans.

Thinks that vaccination is successful in the majority of cases; in many of course it fails. With some few exceptions the medical sub-assistants are well fitted for the duties they have to perform.

The gaol at Wallicadde and lunatic asylum in its neighbourhood might be managed by one person very well.

One medical officer might have charge of the Hulfsdorp Gaol and the Pettah Hospital, and the Male Orphan and Female Orphan Asylum, but there should be a medical officer resident at the Pettah Hospital.

Mr. Dickman is very efficient. The Pettah Hospital under his care might be made use of as a very good school of instruction, which all sub-assistants should be required to attend for a certain period.

Mr. Wambeck, in charge of medical stores, is quite able to do Mr. Prins' duty. Mr. Wambeck gets 3s. a day under Dr. Grant, and he also gets a house free of rent.

Hendella Hospital might be removed elsewhere; if near the town a medical assistant would not be necessary there. But if Hendella is made a convalescent station, one person would

can look after both establishments. But the present medical assistant there is very infirm and sickly.

As a general rule the superintendent of vaccination should be given to the medical sub-assistants at the principal stations. A small increase of salary for that particular duty would hold out encouragement to them. They might hold it for three years; or, in any case, it would be a reward to the best men.

Mr. Fleming ought to receive the vaccination returns from all the Western Province, but latterly they have not been sent to him. They have been sent to Dr. Roe direct, and only sent by Dr. Roe to him when he pleases to send them for correction.

Dr. Grant, who is a staff-assistant surgeon, has clearly no particular duties to perform; he might do other work. He most certainly does not require a medical sub-assistant to help him.

A rotation system for all the medical sub-assistants would be far the best, instead of keeping them always in one place. It would give them much encouragement and opportunities of improvement.

Mr. Fleming does not think that the civil medical department should be separated from the military; a mere civil practitioner would not command that respect among the medical sub-assistants which a military head of the department does: he could not command and enforce that regularity and that discipline which is essential, and there might be some clashing of duty between the civil and the military heads.

The diet of the Pettah Hospital would be better, and perhaps cheaper, if it were less of European character; more of vegetable matter would be preferable, according to native custom. It might be both better and cheaper.

The Leper Hospital is well enough.

Lunatic Asylum.—The diet is said to be injudicious: too much European. They must have regard to native habits and usages.

The gaol diet is ample at Wellicadde.

24th January 1849.

Present:—Hon. Mr. MacCarthy, Hon. Mr. Templer.

Dr. WILLISFORD, examined.

Medical Department.

Vaccination.—Dr. Willisford has watched the progress of vaccination very accurately. He has not yet seen a single case of normal vaccination. All medical assistants are required to send in half-yearly reports, but the first report is only just sent in.

Out of 42 cases admitted into the Small-Pox Hospital, 10 showed clear evidences of previous vaccination. They were less virulent than the other cases, and none died.

However good the virus may have been originally, the habits of the people, and the difficulty of making a good selection of cases from which to take the virus, are opposed to its attaining so great a degree of success as might be hoped for.

He thinks the civil medical establishment should be separated from the military; but there are counterbalancing advantages in the present system, no doubt. Military men, for instance, can be found in many places where civilians cannot.

He thinks that the present medical sub-assistants, at least those brought up at Calcutta, are as good as you can expect. They are generally well qualified for their duties, but they could not undertake very arduous or responsible duties without European superintendence.

Superintendents of vaccination were originally designed to have the general superintendence of the civil medical duties of the districts in which they might be stationed.

The mere transmitting the returns is a very trifling duty. Dr. Willisford does not think the vaccination returns can always be strictly depended on.

The Government are bound to supply sufficient medical attendance for the poor, particularly in remote places, and on the lines travelled by Coolies, both on philanthropic and on public grounds; but in Colombo and Galle much may be done by private practitioners.

Dr. Willisford's present duties are to attend daily the Pettah Hospital, and to visit two or three times a week the Small-Pox Hospital.

Dr. Willisford states that he feels that he cannot urge or establish any claim respecting his appointment, but he thinks that, personally, he has a moral claim upon the Government.

The whole correspondence is here sent for, from which it appears to the Committee that Dr. Willisford cannot be displaced within three years from 15th March 1847, and not then without six months' notice.

As regards the establishment generally, there are two chief points to be considered, the details of the office establishment and the education of the medical sub-assistants.

There are many of the sub-assistants now on the establishments who are scarcely competent; they are retained because they are there. It is owing to the absence formerly

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of any sufficient means of education, or any adequate test of qualification, that they were admitted into the service.

The same medical officer might very well attend the Wellicadde Gaol, the Lunatic Asylum, and the Small-Pox Hospital.

Mr. Dickman has too much to do already at the Pauper Hospital.

The quantity of returns required by the civil medical officer at present occupy an unnecessary and excessive quantity of time: they attain no sufficient object. Mr. Dickman is an able man, and his time is too much occupied with writing details.

Dr. Willisford would be glad to see the Pauper Hospital more of a public institution, in order that the officers of the institution, servants, &c., might feel that the eye of the public was upon them; and this also would involve the question of partial support by public subscription.

The judicial officer could attend the Hulfsdorp Gaol and the police very easily.

Mr. Toussaint, the head vaccinator, is a very intelligent, active man.

Mr. Vanstuysen, Dr. Willisford has no knowledge of.

In addition to the medical assistant at the Pettah Hospital, there is a dispenser and dresser, Mr. Wilkins, at 3*l.* a month.

Mr. Wambeck, at the medical stores, has little to do.

CENTRAL PROVINCE.

* So in copy.

A Government hospital is very much required at Kandy. The great proportion of persons in the Pauper Hospital here come in almost a * state; they come from Kandy, and die within a week.

Medical Stores.—As far as the quarterly serving out of stores goes, it could be very well done in a single week, so that the business of the store department cannot be heavy.

N.B.—It is clearly understood by the Committee that notice shall be given at once to the medical assistants of the intention of Government to discontinue their agreement at the end of the original time specified.

Dr. Willisford repeats that a public hospital is absolutely necessary at Kandy.

If a convalescent hospital were formed at Hendella, one efficient man should be required to look after that and the Leper Hospital as well.

Mr. De Run is employed as a clerk in the medical office.

Mr. Jonk is the medical officer attached to the Small-Pox Hospital, but it is not necessary.

Dr. Willisford states that he could do more duty than he really is required to do at present, at least as far as superintendence goes.

Mr. Fleming is not made as much use of as he really might be, and ought to be.

Dr. Grant has no special medical duties to do.

The Pettah Hospital might be made much use of to teach the assistants. A rotation system would be very advantageous. At out-stations the medical officers cannot improve; they unlearn even what they know.

Remarks by Dr. Willisford on the Medical Department, Ceylon.

FROM the Government schedule of medical establishments, it appears that the officers appointed to carry out the duties of the civil medical department are either on the fixed establishment, or are appointed temporarily at an annual rate of salary, and consist of—

	Salary.					
	Fixed.			Temporary.		
	£.	s.	d.	£.	s.	d.
1 Principal Civil Medical Officer - - -	300	-	-	-	-	-
5 Office Clerks, &c. - - - - -	189	16	-	-	-	-
6 Superintendents of Vaccination - - -	450	-	-	-	-	-
3 Medical Assistants - - - - -	750	-	-	-	-	-
1 Ditto (Dr. Davey) - - - - -	500	-	-	-	-	-
1 Ditto - - - - -	-	-	-	90	-	-
93 Medical Sub-Assistants, Vaccinators, and others } performing medical duties - - - - -	1,450	-	-	4,502	18	-
47 Subordinate Officers and Servants - - -	312	-	-	195	12	-
Allowances and contingencies - - - -	-	-	-	707	-	-
	3,951	16	-	5,495	10	-
Total - - - - -	£. 9,447	6	-			

The total of 9,447*l.* 6*s.* includes 1,797*l.* for the salaries of officers, European and native, performing vaccination duties. The medical assistant at a salary of 500*l.* has been discontinued, and his duties transferred to the medical assistant in charge of the civil hospitals in Colombo.

Under this head are included a "medical practitioner," in charge of Hulsdorp Gaol and all judicial cases, and five "health officers," who perform quarantine duties to prevent the importation of any communicable disease; about 50 persons are at present employed in the active duties of vaccination in various districts under the direction of the superintendent of vaccination.

It will thus appear that 156 persons are employed at an annual charge for salaries and contingencies of 9,447*l.* 6*s.*, and it is deeply to be regretted that so little good results from so large an expenditure, and that the civil medical department presents features so disjointed, inactive, and cumbrous. The question, whence arises this state of things? at once demands attentive consideration; but it may be well to enter more into detail on some points before offering a solution of the question.

The vaccination department requires a considerable amount of scrutiny to ascertain how far the objects of its establishment are carried out, as there is reason to fear that but a very small relative degree of protection from small-pox is now ensured.

The official return of cases of small-pox for the year 1848 shows that these occurred in—

Districts.	Number of Cases.	Of which			Evidence of previous Vaccination presented in
		Died.	Recovered.	Remain.	
Colombo -	131	29	94	8	19
Galle -	229	38	184	7	98
Negombo -	311	53	253	5	71
Total -	671	- -	- -	- -	188

From this table should be deducted 53 cases treated in "quarantine," in Colombo, in which the evidence of vaccination is not recorded; 18 cases have been admitted into the Small-pox Hospital since the 1st January 1849, of which 11 bore evidence more or less satisfactory.

It would thus appear that the average rate of non-protection in Ceylon is 1 in 3.56 of cases presenting evidence of vaccination; or, deducting those in quarantine, and adding those admitted during the present year, the rate is 1 in 3.20. In a population so constantly shifting as is that of an English town, it must be difficult to ascertain the proportion of failures of protection in cases normally vaccinated, and hence the great disparity of reports on this point. One of the lowest estimates is that of Mr. Cross of Norwich, who says that "of the vaccinated not more than 1 in 20 will be in any way affected by the most intimate exposure to small-pox contagion, and less than 1 in 50 will have the disease in a form answering to the generally received descriptions of modified small-pox."

But the most satisfactory proof of the protective power which results from normal vaccination, is that afforded by the Government statistical reports of sickness, &c. among Her Majesty's troops from 1817 to 1836, stationed in all parts of the world; quoted in the Edinburgh Medical and Surgical Journal for July 1845, page 137. From these reports we find, that with an aggregate strength of 232,475, and a mortality from all causes of 10,366, only four deaths from small-pox are recorded; the result of the rigid attention paid to the due performance of vaccination.

During the past year small-pox raged as an epidemic in Negombo and Galle, although the performance of vaccination is said to have progressed in these districts with activity and success. It is possible that the vaccinators there, as in Colombo, have used all diligence in their vocation; but integrity of the virus used being essential to the security of the patients, it becomes a matter of the first importance to ascertain how far this is preserved. Experience in Ceylon and on the Continent of India proves that several circumstances tend materially to diminish the activity of the vaccine virus, to render the recipient less susceptible of its influence, and to prevent the normal development thereof, both as regards its power of propagation and protection from small-pox. How important then is it that every possible means should be taken to secure, in their fullest degree, the invaluable blessings which the immortal Jenner has conferred on mankind.

The ordinary mode of transmitting lymph from one place to another by means of glass or points is found to be very uncertain, while the cicatrices ensure success to a much greater degree, and are more easy of transport. Arrangements have been made to obtain a fresh stock from England by all the approved methods, and attempts should at once be made to obtain here a supply of lymph according to the plan successfully adopted by Mr. Culey, of Aylesbury. The course recommended by Dr. Stewart in his "Report on Vaccination in Bengal," page 252, as calculated to favour the due development of the prophylactic, demands consideration, and would serve as an important check on the subordinate officers, whose operations should be narrowly watched, in order that the 60,000 or 70,000 persons annually vaccinated by them may not be deceived by the

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inefficiency of the virus, and so the small-pox find ready, though unconscious victims, and the practice of vaccination fall into disrepute.

The number reported as having been successfully vaccinated during the year 1847 is 46,970, which give a cost of only 9*d.* per case, including all charges and salaries; while the sum allowed for vaccinating in the districts of the Poor Law Commission in England, where the amount of labour is infinitely less, is 1*s.* 6*d.*, and the cost per case in the Bengal Presidency is 1*s.* 2*d.* Dr. Stewart's plan would tend greatly to ensure correct returns, by making the remuneration to the subordinate officer depend, in some degree, on the production to the supervising officer of satisfactory evidence that he has bestowed due care and attention.

A large proportion of the persons dependent on the Government for the supply of medical attendance and medicine are the Coolies who visit Ceylon in search of employment, and who arrive at the different ports in a state of greater or less exhaustion from starvation or disease, requiring prompt discrimination to detect that condition which their desire for gain and national prejudice would induce them to conceal, and efficient means for the relief of that state which, if prolonged, destroys the hopes of the sufferers, and entails on the Government further expenses which, perhaps, might have been avoided. It will thus be seen that the medical duties of the "health officers" are more important than the qualifications of the persons at present performing them would indicate.

The civil hospitals of Colombo and Kandy are most important institutions, but they admit of being rendered much more efficient, simply by their being regulated on a broader basis. The vast number of Coolies who become diseased in the coffee districts require the advantage of European medical treatment, and every opportunity should be taken to cultivate in their minds a due estimate of the advantages afforded them.

The present condition and arrangement of the Pettah Hospital in Colombo are open to strong animadversion, and all restrictions to the admission of patients should at once be set aside, the resident officer alone having a discretionary power of admission. Can it be believed that the place allotted for the reception of the dead (unhappily nearly one-fourth of the whole) and for the performance of post-mortem examinations, communicates directly with three of the principal wards! Can it be believed that the male and female patients in a Government hospital are so huddled together in the same building that immorality and indecency stand out as necessary consequences! Can it be believed that no effort has yet been made to afford assistance to the native women who may be the subjects of difficult parturition, or to instruct the native midwives, whose interference, guided as it now is by ignorance, prejudice, and reckless confidence or enervating fear, is the direct cause of mortality to a degree which happily never reaches the public eye or ear! yet these and other evils exist, and are tolerated, nay, almost disregarded, while a remedy to them all is at hand, requiring only to be judiciously applied.

The medical sub-assistant now in charge of the Pettah Hospital is a man of such intelligence and integrity that he accomplishes his duties with a precision and punctuality which reflect on him the highest credit; but under the present arrangements, with regard to communications, vouchers, returns, and other documents, he is frequently occupied during five or six hours after his more strictly professional duties are ended, and on the invasion of any epidemic it would be impossible for him to do all for which he is responsible. The number of returns at present required might be considerably diminished with advantage.

The present system of dieting the patients entails great trouble and inconvenience, both as regards the immediate supply and the production of the necessary vouchers. The average cost per day for dieting patients of all classes is 2½*d.*; could not the same plan be adopted at the Pettah Hospital as is now observed at the gaols? viz. the supply by a contractor, under restrictions, of the diets properly cooked, according to the direction of the medical officer. If no serious objections are found to attach to this mode of supply, considerable advantages would result. Such are a few of the objections which attach to the working of the civil medical department as it now is, and a practical acquaintance with its details must suggest many other points worthy of consideration; but now, for the cause of, and the remedy for, its present inefficiency.

To place the civil medical department on an efficient footing it is essentially necessary that it be separated from the military; and that a civil officer be placed at its head, to ensure the discharge of duties, which, being both extensive and intricate, demand the attention of an active, intelligent officer, with local experience. The present system of placing the senior military medical officer at the head of the civil medical department, by virtue of his military qualifications, is open to many and serious objections; and from this cause alone the civil department might be expected to be at times utterly inefficient. In due course of military preferment and removal, it has happened that since the year 1841 the civil medical department has changed its directing power no less than seven times. How then can we wonder that the advance in usefulness which may have been effected by a master mind, should, in the course of even a few months, be changed into a retrograde movement under the control of one whose length of service alone may have raised him to the position of deputy inspector-general of army hospitals? How far can it be desirable to intrust the responsible and onerous duties of the civil medical department to an officer, who being appointed to a military post, arrives here, perhaps, totally unacquainted with the nature of a civil establishment, and entirely wanting in that essential to local usefulness—local experience? Military duties are systematically arranged,

arranged, and the strict performance of them rendered, in a great degree, imperative by the regulations of the service; so that they cannot be neglected or even performed imperfectly; but with every desire to discharge efficiently his civil duties, a military officer is open to the temptation of delegating much of the so-called minor details to the subordinate officers of the department. Not only does the frequent removal of the principal civil medical officer deprive the service of the advantage of the experience he may have acquired, but every member of the service feels that he has lost the prospect of advancement which his zealous discharge of duty would have secured to him under the continual direction of one who had witnessed and appreciated his efforts.

The objections which attach to the office of principal civil medical officer being held by a military man, operate still more strongly with regard to superintendents of vaccination, who are absolutely precluded from performing the civil duties which professedly are expected of them. For instance, the superintendent of vaccination in the Southern Province is a military man, having the medical charge of a detachment of European and a detachment of native corps, with their officers, regimental and staff, whose requirements demand and secure his professional attention, so that he cannot absent himself from his military post, Galle, for a single day; and yet he is supposed to exercise a civil medical supervision over Hambantotte, Matura, Tangalle, Bentotte, and Galle. In the same way, the superintendent of vaccination in the Northern Province is supposed to superintend and enforce the due discharge of all medical duties in Manaar, Talamaar, Anaradjapoor, Point Pedro, Kayts, and Mullettoe; but how far would military discipline tolerate his thus absentsing himself from his imperative garrison duties at Jaffna? So long as the important duties of the civil supervising officer are intrusted to a military man, so long will they necessarily continue to be confined to the reception, signing and transmission of documents, which he is not in a position to attest.

The schedule of medical establishment referred to above includes 11 European military officers. Six of these have military duties engaging their prior attention, and a seventh is about to return to England, having received notice that his services are no longer required. A civil practitioner (Mr. Prins), whose observation and experience in the treatment of disease have given him a high amount of qualification for his duties, is engaged to attend the judicial cases. There are 37 medical sub-assistants, 12 of whom have had the advantages afforded them by a liberal Government in placing them under European instruction at Calcutta, and are qualified to undertake duties of a responsible nature, so long as they are under the influence and direction of a European supervisor, without which there is reason to fear that few of the class would long continue in a course of zeal and integrity. It would be important to ascertain by examination what amount of information is possessed by each, so that a judicious distribution might be made; and that those whose medical qualifications are but meagre might be disposed of in some other way. Four of the sub-assistants are now occupied principally or entirely in military duties, although drawing their salaries, which amount to 560 L., from the civil Government. There are still in course of study at Calcutta eight youths, whose services will be available for the colony in about 12 months.

PROPOSED SCHEDULE of Civil Medical Establishment.

PROVINCES.	OFFICE.	STATION.	DUTY.
Western Province	1 Principal Civil Medical Officer.	Colombo - -	General direction.
	3 Office Clerks - -	- ditto - -	Office duties.
	2 Messengers - -	- ditto - -	- ditto.
	1 Sub-Assistant - -	- ditto - -	Pettah Hospital.
	1 Ditto - -	- ditto - -	Small-pox duties.
	1 Ditto - -	- ditto - -	- - Lunatic Asylum and Wellicadde Gaol, Leper Hospital.
	1 Ditto - -	- ditto - -	- - Hulsdorp Gaol, Police and Judicial cases.
	1 Ditto - -	- ditto.	
	1 Ditto - -	- ditto - -	Orphan Schools and Office duties.
	2 Ditto - -	- - Available for extra duty.	
	40 Subordinate Officers and Servants.	Colombo - -	Attached to the various Hospitals.
	1 Health Officer - -	- ditto - -	Quarantine duties.
	2 Vaccinators - -	- ditto - -	Vaccination duties.
	1 Sub-Assistant - -	Negombo - -	General.
	1 Native Vaccinator - -	- ditto.	
	1 Sub-Assistant - -	Caltura - -	General.
	1 Native Vaccinator - -	- ditto.	
	1 Sub-Assistant - -	Ruanwelle - -	General.
	1 Native Vaccinator - -	- ditto.	
	1 Sub-Assistant - -	Ratnapoor.	
	1 Native Vaccinator - -	- ditto.	

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Proposed Civil Medical Establishment—*continued.*

PROVINCES.	OFFICE.	STATION	DUTY.
Southern Province	1 Civil Supervising Officer	Galle - -	General.
	1 Sub-Assistant - -	- ditto - -	- ditto.
	1 Health Officer - -	- ditto - -	Quarantine.
	1 Native Vaccinator - -	- ditto.	
	1 Sub-Assistant - -	Matura - -	General.
	1 Native Vaccinator - -	- ditto.	
	1 Sub-Assistant - -	Hambantotte.	
	1 Native Vaccinator - -	- ditto.	
Eastern Province	1 Ditto - -	Tangalle.	
	1 Civil Supervising Officer	Trincomalie -	General.
	1 Sub-Assistant - -	- ditto - -	- - Ditto, and Quarantine and Town Vaccinator.
	1 Native Vaccinator - -	- ditto.	
	1 Sub-Assistant - -	Batticaloa -	General.
Central Province -	3 Native Vaccinators -	- ditto.	
	1 Civil Supervising Officer	Kandy - -	General.
	2 Sub-Assistants - -	- ditto - -	- ditto.
	3 Native Vaccinators -	Wherever required	- - In charge of Pioneers and Vaccination.
	3 Sub-Assistants - -	- - - -	
	1 Ditto - -	Matelle - -	General.
	1 Ditto - -	Newera Ellia -	- ditto.
	1 Ditto - -	Kaigalle - -	- ditto.
Northern Province	1 Ditto - -	Badulla - -	- ditto.
	1 Civil Supervising Officer	Jaffna - -	General.
	1 Sub-Assistant - -	- ditto - -	- ditto.
	4 Native Vaccinators -	- ditto.	
	1 Sub-Assistant - -	Manaar - -	General and Quarantine.
	1 Ditto - -	Anarajapoor -	General and Vaccinator.
	1 Ditto - -	Point Pedro -	- - General Vaccinator and Quarantine.
	1 Ditto - -	Mullitivoe -	- ditto.
North-Western Province.	1 Health Officer - -	Kayts - -	- - Quarantine and Vaccination for the "Islands."
	1 Ditto - -	Talamanaar -	Quarantine and Vaccination.
	1 Civil Supervising Officer	Putlam - -	General.
	1 Sub-Assistant - -	Chilaw - -	- ditto.
	1 Native Vaccinator -	- ditto.	
	1 Sub-Assistant - -	Kornegalle -	General.
	2 Native Vaccinators -	- ditto.	
	1 Sub-Assistant - -	Calpenty -	General.
North-Western Province.	1 Native Vaccinator -	- ditto.	

In framing the above schedule, regard has been paid to efficiency of service consistent with economy, but not parsimony in expenditure. The great reduction of officers has therefore been among the class of subordinates whose duties are thrown into the hands of more intelligent and responsible persons. It is probable that it will be found sufficient for the due performance of all civil duties, while the amount of actual labour and the consequent responsibility which would attach to each officer will require his constant attention. The native vaccinator should, of course, be placed under the direction of the sub-assistant, and be required to bring to his notice the progress of his duty in a daily tabular form.

The sub-assistant should be required to test the activity of the vaccinator as far as his own duties would permit, and report all circumstances connected with the vaccine department as well as his more immediate duties to the civil supervising officer of his district. He should be instructed to attend not only to the prescribed duties of his appointment, but also to all Government employes, within a certain limit, for whose benefit it becomes a matter of obligation on the part of Government to provide medical assistance. He should keep a register of all cases under his care, placing himself in communication with the civil superintending officer whenever any circumstance of unusual character should arise.

He should be held responsible for all Government property placed in his charge, and should furnish to the civil superintending officer periodical returns on all points connected with his duties.

The health officers should, in most cases, be such of the medical sub-assistants as being unfit for the treatment of prole disease, or unequal to the emergency arising from accidents, may yet be expected to be able to detect the existence of disease, and then, if necessary, await the decision of the sub-assistant or the civil superintending officer. He would also be at liberty, during certain seasons, to assist the vaccinator.

The

The civil supervising officer should be required to pay visits at irregular, but not distant times, to all the civil medical posts within his district, and be held responsible for the due performance of all the duties. He should keep a journal, to be forwarded when required to the principal civil medical officer, in which his daily work and observations are faithfully recorded, and should insert such memoranda as may appear to him to be calculated to promote the good of the service. He should furnish to the principal civil medical officer a quarterly report, embracing the returns made to him by all the subordinate officers in his district, and inform the principal civil medical officer of the existence of any epidemic or other important event, and perform such other duties as may be legitimately required of him.

The duties devolving on the civil superintending officer of the Eastern and North-western Provinces would probably be less arduous than those of the others; it might therefore be desirable to appoint to those offices such of the medical sub-assistants as by a long course of praiseworthy exertion have shown themselves entitled to advancement, and by this means stimulate a beneficial emulation in all.

The duties of the principal civil medical officer would comprehend the general control and direction of the service; and as the arduous and responsible duties of the various hospitals in Colombo would require that the sub-assistants placed in charge of them should be men of known ability and good conduct, the occasional supervision of the principal civil medical officer, and the check kept upon them by the transmission of periodical returns, would render the appointment of a civil superintending officer in Colombo unnecessary.

The supply of drugs, &c., for the civil service might either be procured from England and kept in store in Colombo, or arrangements might be made as heretofore with the military authorities. It is probable that the former plan would be the more satisfactory.

28th November 1848.

All present.

Dr. ROE, Principal Civil Medical Officer, examined.

Medical Establishment.

Dr. ROE does not think that men like Messrs. Chitty and Charsley should be got rid of. They are both well educated and efficient, and it is very questionable whether the services of men of their stamp could be dispensed with, but this point can only be decided when the termination of their engagement arrives.

1st Class—Unfixed Provisional.

	£.	s.	d.
Mr. Loftus, sub-assistant, Galle - - - - -	150	-	-
De Zilwa, sub-assistant, Ratnapoora - - - - -	150	-	-
Ebert, Lunatic Asylum - - - - -	150	-	-
A. E. Tapp, Trincomalie, medical stores - - - - -	150	-	-
W. A. Winters, Galle Gaol, and assisting in military - - - - -	150	-	-
T. Gill, Badulla - - - - -	150	-	-

2nd Class—Fixed.

	FIXED.			CONTINGENT.		
	£.	s.	d.	£.	s.	d.
Mr. H. Toussaint (Jaffna) - - - - -	110	-	-	40	-	-
J. Wambeck (Colombo) - - - - -	110	-	-	40	-	-

(Medical Stores.)

Mr. J. Loos (Wallicadde Gaol) - - - - -	110	-	-	40	-	-
Kriekenbeck (Batticaloa) - - - - -	110	-	-	40	-	-
P. D. Anthonis (Matura), Galle - - - - -	110	-	-	40	-	-
H. Dickman, Pauper Hospital (Colombo) - - - - -	110	-	-	40	-	-
J. Hollowell, charge of pioneers at Illakwatte - - - - -	110	-	-	40	-	-

3rd Class.

Mr. L. Wyasinghe, Kandy - - - - -	85	-	-	25	-	-
W. C. Ondaatje (Trincomalie Gaol) - - - - -	85	-	-	25	-	-
T. A. Pieris, Kandy Pauper Hospital, Friend in Need ditto - - - - -	85	-	-	25	-	-
Marcus, Kandy, Rifles and prisoners - - - - -	85	-	-	25	-	-
S. Forbes, Kornegalle - - - - -	85	-	-	25	-	-
T. F. Garvin, Chilaw - - - - -	85	-	-	25	-	-

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2nd Class—Provisional.

	£.	s.	d.
Mr. G. Loftus, Ambegamowa pioneers - - - - -	110	-	-
C. H. Jansen, Matelle troops, paupers and prisoners - - - - -	110	-	-
P. H. Van Cuylenburg, Caltura - - - - -	110	-	-
J. R. Ebert, Kandy, vaccination - - - - -	110	-	-
J. H. De Jonk, Colombo, Small-Pox Hospital - - - - -	110	-	-
J. C. Vansanden (Calpentyn) - - - - -	110	-	-
E. W. Balkhuysen (Matura) - - - - -	110	-	-
J. E. Beckmeyer (Manaar) - - - - -	110	-	-
J. L. De Run, (sick in Colombo) - - - - -	-	-	-
H. Rose, Leper Hospital - - - - -	110	-	-
J. W. Claas, Point Pedro, paupers and pilgrims - - - - -	110	-	-
M. B. Misso, Negombo, small-pox and vaccination - - - - -	110	-	-
J. Cleaveland, Alooatgamme pioneers - - - - -	110	-	-

3rd Class.

	Fixed.			Contingent.		
	£.	s.	d.	£.	s.	d.
Mr. J. Trask, Anoradjapoora - - - - -	90	-	-	and 2	-	-
A. Renaldus, Kaigalle - - - - -	90	-	-*	36	10	-
H. L. Herft, health officer in Colombo - - - - -	90	-	-	-	-	-

All medical assistants and sub-assistants get 5 s. a day when marching with troops.
When they move from one station to another by order, they are allowed two bullock carts.
Vaccinators, when they go beyond five miles, receive 6 d. a mile travelling allowance.

Vaccination—Colombo.

	£.	s.	d.
Mr. G. L. Toussaint - - - - -	90	-	-
Extra ditto Mr. C. H. Van Huysen - - - - -	36	-	-
Mr. Prins, police and Hulfsdorp Gaol, courts at Colombo - - - - -	90	-	-
Caddrewalock, health officer, Trincomalie - - - - -	-	-	-
Braybrooke, an assistant staff surgeon, Hambantotte, he gets 3s. a day for civil duties there.	-	-	-

Vaccinators—Western Province.

	£.	s.	d.
7 Vaccinators at - - - - -	27	-	-
3 „ - - - - -	22	10	-
4 Peons at - - - - -	15	12	-

2 at Ratnapoora.
1 at Colombo.

The duties of the peons are to go out and bring in cases of small-pox.

North-western Province.

Used to be 4.

2 Vaccinators at - - - - -	22	10	-
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Only one is employed at present. There should be two of them.

Southern Province.

4 Vaccinators :—			
2 at Galle, } each - - - - -	27	-	-
1 at Bentotte, }			
1 at Matura, }			
1 at Hambantotte (vacant.)			
1 at Tangalle - - - - -	27	-	-

Eastern Province.

4 Vaccinators :—			
1 at - - - - -	27	-	-
3 at - - - - -	22	10	-

Northern Province.

2 Vaccinators at - - - - -	18	-	-
1 at Manaar.			
1 at Anarajapoora.			
1 Health officer at - - - - -	18	-	-
5 Vaccinators at - - - - -	13	10	-
1 Health officer at Jaffna - - - - -	9	-	-
Discontinued 1 health officer at Jaffna - - - - -	10	10	-
1 Peon at - - - - -	6	-	-

* Rent of medical store, 1 l. 2 s. 6 d. per month.

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Central Province.

		£.	s.	d.
2 Vaccinators at	- - - - -	30	-	-
2 " "	- - - - -	24	-	-

Of which 3 at Kandy.

Principal Civil Medical Officer's Civil Fixed Establishment paid by the Colony.

First, Mr. H. E. Ebert	- - - - -	75	-	-
Second, Mr. J. A. Schumacher	- - - - -	50	-	-
Translation, Singhalese	- - - - -	30	-	-
" at Jaffna	- - - - -	24	-	-
Peon at Colombo	- - - - -	10	16	-

Lunatic Asylum.

Superintendent, Dr. Davey.

Dr. Roe is of opinion that a European medical assistant could look after both the Gaol and the Lunatic Asylum. He might be allowed 100 *l.* to 120 *l.* a year in addition. Dr. Roe's suggestion adopted.

		£.	s.	d.
1 Overseer	- - - - -	27	-	-
1 Gardener	- - - - -	10	16	-
1 Cook	- - - - -	12	-	-
5 Labourers	- - - - -	10	16	-
1 Washer	- - - - -	12	-	-
1 Barber	- - - - -	6	-	-
2 Women Servants, each	- - - - -	7	4	-

No reduction can be made. The establishment is small for 80 to 90 patients.

Leper Hospital.

Four miles out. Mr. Rose has charge of it.

4 Men Servants at	- - - - -	9	-	- each.
3 Women Servants at	- - - - -	5	8	- "
2 ditto at	- - - - -	4	10	- "
1 Washer at	- - - - -	6	6	-
1 Barber	- - - - -	9	-	-

Pettah Hospital.

1 Dispenser and Dresser	- - - - -	36	-	-
1 Cook	- - - - -	12	-	-
4 Servants at	- - - - -	9	-	- each.
1 Maid at	- - - - -	7	4	-
1 Washer at	- - - - - fixed 6 <i>l.</i> 6 <i>s.</i> and	11	14	-

Contingent.

1 Established Necessary-man	- - - - -	10	16	-
1 Contingent ditto	- - - - -	10	16	-

Dr. Roe, as principal civil medical officer, in addition to all staff and military and island allowances, receives from the colony 300 *l.* per annum.

Five military or staff-surgeons receive 90 *l.* a year each, as superintendents of vaccination 450 *l.*

The duties are generally very light. At Trincomalie probably none is necessary. At Kandy, and Galle, and Jaffna, it might be very well done for 50 *l.*

N.B.—At present there are ten military staff-surgeons in the island, drawing island allowance; in 1835 there were only eight staff-surgeons; yet at that time there were four European regiments, now there are only two; besides which the number of civil medical officers is now greater. The principal medical officer then got only 182 *l.* 10 *s.* civil pay, now he gets 300 *l.*

(signed) *W. D. B.*

29th November 1848.

29th Novembr 1848.

All present.

Contingencies of the Medical Department.

LARGE reductions have already been made in the medical department both in the fixed and contingent charges within the last year or two years. Hence the reductions remaining to be made are very few.

It appears that the whole of the medicines and medical stores which are used in the several hospitals and public institutions in the colony are supplied from the military

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medical store, and are sent direct by the Army Medical Board in England. The expense of them is entirely borne upon the army contingencies, at least there does not appear to be any charge made for them in the accounts of the agent in London.

The amount of fees received by the different officers of the medical department, paid by Government for the year 1847, was 238 *l.* 2 *s.* 6 *d.*

These fees are principally paid for judicial examinations, post-mortems, &c.

Tuesday, 22nd January 1849.

Mr. EBERT, Senior Clerk in the Medical Department, Examined.

Medical Department.

Mr. EBERT explains that the vaccinators make returns weekly, monthly, and annually, to the principal superintendent of vaccination of the district.

The superintendent has a medical sub-assistant under him to conduct correspondence.

The returns, when examined, are forwarded by the superintendent to the principal medical officer in Colombo.

The vaccinators also make a return of the number and names of the people who are vaccinated to the cutcherry.

The petty headman are supposed to watch the people, and ascertain whether the vaccination is successful, and their reports are, or ought to be, compared with the vaccinator's returns.

GALLE AND SOUTHERN PROVINCE.

	Per Annum.
Cameron—Superintendent of Vaccination -	- £. 90
Staff-pay 17 <i>l.</i> 10 <i>s.</i> per month -	- - 210
Mr. Loftus -	- - 150
Mr. Wontersz -	- - 150
Mr. Anthoniz (is the best man) -	- - 150
Two native Vaccinators at 27 <i>l.</i> each -	- - 54
	<u>£. 804</u>

There is no public hospital at Galle; there is only a gaol there, and a small-pox hospital. Two native vaccinators at Galle are necessary at 27 *l.* each.

One at Bentotte is not necessary, the vaccinator from Caltura may go there -	- - - - - £. 27
One at Matura necessary -	- - - - - 27
One at Tangalle necessary -	- - - - - 27
Matura—Sub-Assistant Mr. Balkhuysen -	- - - - - 110

At Hambantotte, Mr. Braybrooke, A Staff-surgeon gets 3 *s.* a day additional to attend to civil medical duties.

	£.
Dr. Willisford -	- - - - - 250
Mr. Ebert (lunatic) -	- - - - - 150
Mr. Loos Wellicadde -	- - - - - 110 & 40
Mr. Wambeek (Medical Stores) -	- - - - - 110 & 40
Mr. Dickman (Pauper Hospital) -	- - - - - 110 & 40
Mr. De Jonk (Small-pox) -	- - - - - 110
Mr. De Run (was sick) -	- - - - - 110
Mr. De Zilwa (Ratnapoora) -	- - - - - 150
Mr. H. Rose (lives at Hendelle) -	- - - - - 110
Mr. Prins (Judicial) -	- - - - - 90
Mr. Touissaint, vaccinator -	- - - - - 90
Mr. Van Huysen, assistant vaccinator -	- - - - - 36
Mr. Misso, Negombo -	- - - - - 110
Mr. Cuylenberg, Caltura -	- - - - - 110
Mr. Herft, Health Officer -	- - - - - 90
Dr. Grant, charge of stores -	- - - - - 90

Besides Island allowance of 12 *l.* 10 *s.*

Mr. Fleming, Superintendent of Vaccination	90
Seven Vaccinators for the Korles at 27 <i>l.</i> each	189
Three Vaccinators for the Korles at 22 <i>l.</i> 10 <i>s.</i> each	66 10s.
Four Small-pox Peons at 15 <i>l.</i> 12 <i>s.</i> each	62 8s.

NORTH WESTERN PROVINCE.

	£.
Chilaw, Mr. T. F. Garwin -	- - - - - 85 & 25
Putlam, Mr. Chalsley -	- - - - - 250
Calpentyn, Mr. Vansanden -	- - - - - 110
Kornegalle, Mr. Chitty -	- - - - - 250
„ Mr. Forbes. -	- - - - - 85 & 25

Vaccinators.

Vaccinators.

Chilaw, 1	-	} at 22 <i>l.</i> 10 <i>s.</i> each.
Putlam, 1	-	
Kornegalle, 1	-	
Do duty alternately.		

NORTHERN.

Jaffna.—Staff-surgeon Mr. Dyce, as Superintendent of	£.
Vaccination	90
Mr. H. Toussaint	110 & 40
Manaar.—Mr. Beckmeyer	110
Point Pedro.—Mr. Glaasz	110
Anaradjapoor.—Mr. Trash	90 & 2 <i>s.</i> a day special.

Vaccinators.

Jaffna.—Three at 13 *l.* 10 *s.* each.

Anaradjapoor.—

One at 18 *l.* 10 *s.*

One at 13 *l.* 10 *s.*

Manaar.—One at 18 *l.*

Talamanaar.—Health Officer, 18 *l.*

Jaffna.—Health Officer, 9 *l.*

CENTRAL.

	£.
Dr. M ^c Andrew, Superintendent	90
Mr. Pieris, Pauper Hospital	85 & 25
Mr. Wejesinhe, at Gaol	85 & 25
Mr. Marcus, Rifles and Prisoners	85 & 25
Mr. Jansen (Matelle) Troops and Prisoners	110
Mr. Ebert, Kandy vaccination	110
Mr. Cleavelan (Pioneers) at Nawelpitiya	110
Mr. Loftus (Pioneers) at Kaloogalle	110
Mr. Gill (Badulla)	150
Mr. Hollowell (Pioneers) Illukwatta	110 & 40

Native Vaccinators.

Kandy.—One at 30 *l.*

Badulla.—One at 24 *l.*

EASTERN.

Trincomalie, Dr. Beatson, Superintendent.

Island allowance, 17 *l.* 10 *s.*

Mr. A. E. Tap, charge of stores.

Mr. Onduatje (Gaol).

Mr. Kriekenbeck (Batticaloa).

Vaccinators.

Trincomalie.—One at 27 *l.*

Tainanadum.—One at 22 *l.* 10 *s.*

Batticaloa.—Two at 22 *l.* 10 *s.* each.

No rent.

Rent in Colombo for Mr. Dickman, 40 *l.*

Mr. Wambeck, rent also.

Present :—Hon. Mr. Templer; Hon. Mr. MacCarthy.

MR. MACARTNEY, Superintendent of Police.

Police.—Does not think it possible to effect any reduction in this department. The actual expenditure of the police during 1848, for Colombo, Negombo, and Galle, was 503 *l.* less than the amount sanctioned.

	£.	s.	d.
Amount sanctioned -	4,062	4	4½
Expended -	3,558	19	11½
	£.	503	4 5½

It is very difficult at present to get an efficient class of men to enter the service, owing to the smallness of the pay; but he thinks that if the pay were increased, a good many Malays

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Malays would enter the force. But the number of men in the police is at present so small that it could not safely be reduced.

The force was reduced by 25 men when Mr. Thompson left. At present there are only 100 men and 12 serjeants within the town and gravets of Colombo, for both day and night duty. They are only divided into two reliefs, but there ought to be three. The duty is very heavy. The 1st class should have 1 *l.* 15 *s.*; the pay is now only 1 *l.* 9 *s.* 2nd class should have 1 *l.* 10 *s.*; at present only 1 *l.* 5 *s.* 3rd class should have 1 *l.* 5 *s.*; at present only 1 *l.* 2 *s.* The serjeants ought to have a classification like the men. They all get now 2 *l.* 1 *s.*; but he would have them arranged as follows instead :—

								£.	s.	d.
1st class, 2	-	-	-	-	-	-	-	3	-	-
2nd ditto, 4	-	-	-	-	-	-	-	2	10	-
3rd ditto, 6	-	-	-	-	-	-	-	2	1	-

Negombo.—Mr. Macartney is decidedly of opinion that the police force at Negombo cannot be reduced : they ought to be rather increased. It is a lawless part of the country ; it would not be safe to reduce the force in the smallest degree. He strongly urges the propriety of forming out-stations for the police, particularly at Morotto, Galkisse, Cottah, and Mahare, on the road to Kandy. Is convinced that small stations there would materially aid the efficiency of the police force within the town of Colombo. The robbers come into the town from those places and go back again. It would also prevent the present easy transit of stolen goods from one place to another. The worst characters live at Mahare and Morotto. There should be a serjeant and four men at each of those stations, in addition to the present police force of Colombo, which is already small in proportion to the duties. It is very difficult to get information at present either with regard to robberies or robbers.

Galle.—At present two serjeants and 15 men are stationed there ; but they are almost useless, and are at any rate totally inadequate to the duty required. At Galle their pay has never been raised. He would propose that they should be classified as in Colombo, and paid at the same rate.

It is impossible now to get efficient men, and they wont remain in the force. If 30 men were to be appointed to the police force of Galle, there ought then to be an assistant-superintendent. If the force were sufficiently strong, and the men were made preventive officers, they would materially aid in stopping the smuggling, which at present is carried on to a very great extent. There ought to be police both at Matura and Tangalle ; an inspector, four serjeants, and 15 men, would suffice for both places.

A charge of 90 *l.* is paid by the police for cleaning and sweeping the fort, which does not properly belong to the police establishment. This money might be saved by employing the prisoners to sweep the streets. The money might then be spent to increase the actual force.

The rent of the superintendent at Colombo, 50 *l.* a year, is paid for him, and an allowance for forage of 44 *l.* 11 *s.*

The medical attendant of the police gets 72 *l.* a year. Mr. Wright attends the police. He is paid by the superintendent, who by his own order (which was approved of by Government at the time the police was formed), takes a stoppage of 4 *d.* a day from the pay of every policeman who is absent from duty on account of sickness. The total amount of these stoppages yearly does not at present equal the cost of the medical attendant. The balance is paid out of a balance previously in hand of 200 *l.*; but he does not know whence that 200 *l.* was obtained. He receives the stoppages of 4 *d.* a day himself, when there are any. He cannot suggest any reduction further than having only one superintendent for the whole island, or at all events for Colombo and Kandy. One man and one head officer might do the work of both superintendents.

Some time ago it was proposed that there should be a few mounted police. Mr. Thompson recommended it, and it was approved by Government at the time, but never carried out.

Sick Stoppages.—With respect to the stoppages from sick policemen, Mr. Thompson wrote, 23rd March 1847, requesting to know under what head this charge for medical attendance was to be brought to account? Answer dated No. 17, 27th March 1847, that the medical attendant was to be paid out of the monthly deductions from the men's pay, as proposed by himself.

In June 1847, when Mr Thompson left, he deposited in the general treasury 184 *l.* on account of the medical fund, and Mr. Colepepper received that sum out of the treasury for the payment of the salary of the medical attendant, because the stoppages at the time were not sufficient alone for that purpose.

The Government had given its general approval of the stoppage of 4 *d.* a day from the men for every day they were absent on account of sickness ; also 6 *d.* from serjeants and 1 *s.* from inspectors.

Regular accounts of the disbursements on medical account are kept. Mr. Macartney received about 218 *l.* from Mr. Colepepper on account of the medical fund when he took over the charge of the police.

The police are entitled under the ordinances to receive a certain portion of the fines levied in cases in which they prosecute.

The fines during the year 1848 amounted to 99 *l.* 1 *s.* for Colombo alone ; those at Galle and Negombo are in addition. He would propose that instead of giving this money to the police, it should be applied for the general purposes of the police, if the increase of pay proposed should be ultimately sanctioned.

1st February 1849.

Present :—Hon. Mr. Templer; Hon. Mr. MacCarthy.

Mr. ARMITAGE, a Merchant of Colombo, and Member of the Legislative Council,

WISHES to state his views with regard to the Commissariat in general. What he proposes to state has reference solely to the civil branch of the Commissariat, and not to the military part of it in any way.

If closely investigated, he thinks the charges or cost of maintaining the establishment will be found much heavier than is commonly supposed.

The value of dead stock lying in the stores is never taken into account in calculating the expense to Government; the interest of the money is lost. The value of the whole stock, including building materials, is upwards of 20,000 *l.*, exclusive of what relates to the military department. From the returns furnished by the department, it would appear that the stock on hand in Colombo, on 1st January 1843, was valued at 23,615 *l.*; on the 31st December 1846, at 27,295 *l.*; giving an average dead stock on hand of about 25,400 *l.*, exclusive altogether of the value of stores belonging to or supposed to belong to the military department.

The interest on this dead stock cannot be calculated at less than 5 per cent. per annum, which will constitute a charge upon the average value of the stock of 1,250 *l.* per annum.

With regard to wastage, no account of the wastage of building materials and other stores is kept, except for the small wastage of oil and paints.

It is the custom of merchants to calculate from 10 to 20 per cent. per annum as wastage on stores kept long on hand; in fact, on old stock.

Timber decays rapidly; tiles, bricks, and lime deteriorate; oil and paints dry up; edged tools often become valueless, and most kinds of hardware also deteriorate.

He would therefore consider that at least 10 per cent. per annum ought to be taken into account in estimating the deterioration of goods in this climate. This would amount to about 2,500 *l.* a year.

Rent of Premises.—The entire annual rental of the premises occupied for the civil and military Commissariat was estimated by the agent of the province at about 800 *l.* a year. He would therefore calculate a loss for the civil portion of the Commissariat, on account of rent at 400 *l.*, viz. one-half, which is moderate, that is supposing that the premises, if not occupied by Government, would be let at that rate to private parties.

Insurance.—We ought to calculate the insurance at one-half per cent. per annum, which would be 125 *l.* per annum. The Government do not insure their stock at all at present.

Marine Insurance.—At present no marine insurance is paid by Government on the goods and stores which are shipped in London. Suppose a ship were lost, the Government would have to bear the whole loss; and they do at present bear the charges or loss on account of all deterioration by sea damage. But he thinks that 3 per cent. marine insurance ought to be charged upon the value of the stores annually imported by Government, which may be calculated for civil purposes (taking the average of four years), as appears from the official returns, at about 8,000 *l.* annually.

The estimated cost of the whole Commissariat Establishment throughout the island in salaries, fixed and provisional, is estimated at nearly 4,000 *l.* a year, including civil and military. Take the estimated cost of the civil portion of these establishments at one-third, or one-fourth, and we shall be within the mark.

The imports of Government are paid for in England by transfers from the Lords of the Treasury in repayment of advances made in the island for the Queen's pay of troops; but if the stores were purchased on the spot, the bills on the Lords of the Treasury would be sold at a premium, never less than 3 per cent., which is lost to the colony, since Government is precluded from selling bills here to the extent they otherwise would be able to do.

The issues of stores on civil account only amounted	£.
in the four years ending December 1846, to	26,561
Of building materials on civil account, ditto, ditto	48,000
Provisions on civil account, ditto, ditto	3,467
Other stores, ditto, ditto	3,347
TOTAL	81,375

This will give an average of 20,653 *l.* on each of the former years.

Looking at the data above given (repeated below), it appears to Mr. Armitage that the only item open to question is the charge for depreciation.

The real cost of the civil department to the colony, as estimated by Mr. Armitage, appears to be as follows, recapitulating the different heads:—

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	£.
1. Interest on the average value of stock on hand in the Civil department, at 5 per cent. per annum - - - - -	1,250
2. Depreciation, say at 10 per cent. - - - - -	2,500
3. Rent of premises, estimated half value, for civil purposes - - -	400
4. Fire insurance - - - - -	125
5. Premium on bills (not drawn), at 3 per cent. on £,200 l. - - -	246
6. Salaries, cooly hire, and other expenses of the department, say one-third - - - - -	1,330
7. Salary of Colonial Agent in London - - - - -	500
8. Marine insurance - - - - -	246
TOTAL - - - £.	6,597

Total 6,597 l., and the issues, on an average of four years, amounted to not more than 20,653 l. per annum; therefore the charge above given is equivalent to upwards of 30 per cent. upon the value of the issues. Mr. Armitage is of opinion that all articles could be purchased in the local market at the same price, or even for less than the Commissariat charges amounted to.

If the contract system were universally adopted in public departments, the contractors would supply themselves largely from England, or in many instances hand over an indent to a local merchant.

Mr. Armitage has never known the market short of iron or ordinary tools.

His experience has convinced him that the contract system could be adopted, and with great economy. If contractors had the advantage of getting ready money advanced to them, in the same way that the Civil Engineers' department does, they could work cheaper.

The military engineers might be employed in superintending, or at all events in reporting upon contract works. Contractors might be required to give proper security, just as the arrack renters already furnish security.

He thinks the whole work of public buildings, bridges, &c., might be done by contract, under distinct specifications from the civil engineers, with proper security for moderate advances of money, such advances to be made only from time to time, according as the civil engineer might report that the work had been executed, up to a certain stage, in a satisfactory and workmanlike manner.

Mr. Armitage has no experience of road-making by contract; he is not able to give any opinion upon the subject. He thinks that the civil engineers and the roads departments ought to be united. There is only one great road, namely, that from Colombo by Kandy to Nuwera-Ellia. The only useful or completed roads were made before there was any distinct road department at all.

27th January 1849.

Present:—Hon. Mr. Templer; Hon. Mr. MacCarthy.

MAJOR PARKE, Deputy Commissary-General.

Commissariat Department.

Is on half-pay as major unattached. He draws only the difference between his half-pay and the consolidate pay of 1,000 l. per annum, amounting to 830 l. paid out of colonial funds.

The assistant commissary-general, Captain Price, gets 10 s. a day civil pay, of course in addition to his full military pay and island allowance.

The present system of the Commissariat department here was framed by Sir Robert Brownrigg about 1812. Before that time there were two departments, one of a military and one of a civil nature. There was a colonial storekeeper at the same time.

As regards the necessity, or otherwise, for retaining the Commissariat in its present shape, Major Parke states that he cannot see any mode in which the Commissariat department can be altered from its present form, so as to render it more economical, without detriment to the public service. The system of tender from private merchants has been tried on three several occasions, on the last of which ample time was given to prepare for the change, not less than, probably, eight months. Out of 22 merchants, only seven tendered, and their tenders were most of them so high, and the articles so inferior in quality, that few of them could be accepted. It is the common practice of the Commissariat here to obtain, by tender on the spot, all articles which can be procured of sufficiently good quality and at a proper price. We obtain from England, through the agent of the colony, only those stores and supplies which cannot be procured, under ordinary circumstances, on the spot, of suitable quality. Frequently, the articles which are offered in tender by the local merchants are different from the sample or pattern exhibited as a muster by the Commissariat.

A yearly requisition is sent home of the probable demands which will be required for the succeeding year, which requisition is founded upon the average of previous years, and calculated

calculated from the returns called for from the respective working departments. This requisition, before it is finally decided upon, is submitted to a committee composed of the Colonial Secretary, the Auditor-General, and the Government Agent for Colombo, who compare the probable wants with the stock on hand. These supplies are, on arrival here, kept at the Commissariat store, and, on being issued to the departments, an addition of 25 per cent. is made to the Ordnance invoice price in England, in account with the department to which the articles are issued, to cover landing charges, wastage, and other expenses in the colony. When articles are issued to private parties (by permission of the Governor), another 25 per cent. is added; that is to say, the second 25 per cent. is calculated upon the 125*l.*, which therefore makes the total charge amount to 57½ per cent. beyond the invoice price of the Ordnance department at home; and although this charge is supposed to have been intended to cover the Customs duty as well, nevertheless the duty is charged to private parties in addition.

All articles issued to public departments are free of Customs duty.

Major Parke says that, so far from the duties of the Commissariat being within the power of any one officer to accomplish, he would not accept the sole management of the department for 5,000 *l.* a year.

He distinctly says he is not prepared to recommend any alteration whatever in the present system, or any reduction of the present establishments.

The Military department of the Commissariat comprises the duty of provisioning the troops, and of equipping and furnishing with necessary supplies all barracks, military hospitals, military transports, &c. The Commissariat receive the stoppages of the troops for provisions, spirits, and damages, &c., and account for them, and hand over the proceeds to the deputy-paymaster of Queen's troops (treasurer).

All stores of every description applied for by the Commissariat from the agent in London (except stationery) are supplied through the Board of Ordnance in England, who charge the value to the agent of the colony. These supplies are sent out to the Ordnance department here, in transit to the Commissariat.

The Ordnance here receive and hand over the invoices to the deputy commissary-general, with the goods. The salt provisions are supplied by the Queen's Navy Yard at Deptford, and are handed over direct to the commissary here, together with the invoices.

The stationery is supplied from the Queen's Stationery Office, and is transmitted direct to the commissary here.

All payments are made through the agent-general in London. Irregular requisitions (that is, supplementary ones) are sometimes sent home for casual supplies. These are not submitted to the committee; but all requisitions are transmitted by the Governor to the Secretary of State, from whose office they are passed on to the proper departments.

The Ordnance department in this colony has not undergone any change in its constitution and strength. In some colonies the Ordnance department have to undertake a great part of the civil duties, that is, of such civil work as is required for Crown purposes.

The Ordnance officers here receive no colonial allowances.

When the Royal Engineers here are employed in any public works, fortifications, &c., they draw their stores, tools, supplies, &c., from the local commissariat. The Ordnance establishment appear merely to have charge of armunitions of war, and to make payments to the Royal Engineers and Royal Artillery. These, again, are provisioned, not by the Ordnance department, but by the local commissariat.

Establishments.—No reduction can possibly be made in the establishments of the commissary. He has lately been obliged to take another clerk, at 36*l.* a year, by name Silva. Captain Price, the assistant commissary, is a most trustworthy and efficient officer; if he were not so, and likewise most attentive and active in the discharge of his duties, the business could not go on. He only gets 10*s.* a day, and he is the worst paid staff officer in the island. He thinks that Captain Price ought not to have less than 15*s.* a day, which was the pay formerly. The timber establishments and building material department have been added to the Commissariat within the last few years; his duties, therefore, have become very much more onerous. He gets no horse allowance; nothing but 10*s.* a day. The pay ought not certainly to be less than 15*s.* a day, which it was before the Commission came out in 1832. The Commission of 1832 recommended the pay of the head of the department to be reduced to the same as that of the Government agents, which then was 1,000*l.* a year; they afterwards raised the pay of the latter, but have never raised the pay of the commissary.

The timber-yard occasions great expense to the colony; great waste of timber, from its being cut to waste in sawing up the logs. A log is delivered, and is cut up to waste by the department to which it is issued; it is not made the most of. The remaining parts, which are not used by the department to which the log is issued, are returned to the Commissariat, but are only fit to be sold or made use of as fire-wood. The estimates are only framed upon the calculation of the exact scantling used; the wastage by misuse is not calculated; hence it is evident that the Government actually loses the difference of value of the timber issued and the timber used; so that a public work which appears on the estimates to cost only a specified sum, really costs much more, owing to the wastage of timber, the loss of which is, in the end, borne by Government. This has been the case for many years past—perhaps 14 or 15 years.

To remedy this defect, Major Parke would place all the sawing establishments, viz.,

N.B.—The Ordnance department at home charge 15 per cent. on the prime cost in framing their own invoice for the colony. That is, they charge 5 per cent. and 10 per cent., but it is not certain whether they charge 15 per cent. in a lump, or first 5 per cent. and then 10 per cent. upon the 105*l.* See Mr. Dawson's notes in answer to my queries about it.

W. B. D.

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the Civil Engineers, Royal Engineers, and Commissioners of Roads, under one head; make one sawing establishment for all public departments, for cutting up timber to the best advantage, according to the probable demands of the respective departments, which could be ascertained with tolerable correctness from the annual estimates.

At present there is a separate vote taken for conversion of timber under the head of "General Service Sawing" for the sawyers' branch of each department. But if they were all combined, there would be a saving in the cost of establishments, and there would be a saving in timber alone of at least 20 per cent. The 25 per cent. is not added on to the prime cost of the timber; that is charged only as respects stores from England.

The timber is charged in the rough as nearly as possible at what it costs, hence the loss in cutting up is also borne by Government.

The sawing establishment ought to be attached to the timber-yard. It is better to saw it on the spot. Prisoners might be brought down from Wellicadde to assist. Prisoners might be marched down in the morning to work in the timber-yard. It is necessary to have good sawyers, or the waste is very great. But the prisoners from Wellicadde might be employed as Coolies; every day a certain number of Coolies are employed in the timber yard, and occasionally there are required from 25 to 50 Coolies, who are paid for the day. But if the prisoners were marched down and kept there all day, the expense of most of these occasional Coolies at 6*d.* a day would be saved. He would not recommend that the whole of the work should be done by prisoners, but on very busy days a great part of it might.

The military prisoners might also be employed in the timber-yard. It is a very safe place, and very healthy.

Civil Duties of the Commissariat.—All materials of every description required by public departments, including hospitals, gaols, asylums, police, &c., are all made up through the intervention of the Commissariat, and are accounted for through that department.

The supply of arrack to the Government, that is, to the Government agents, who are bound by the terms of the arrack rents in some cases to supply the renters with arrack, is furnished by this department.

The Commissariat supply Jaffna largely, and some few other places also, to some extent.

Whatever cannot be procured on the spot of proper quality, the Commissariat is of course obliged to procure elsewhere. Major Parke begs to repeat his conviction that it would be impossible and certainly highly dangerous to attempt to conduct the department without a second officer, as at present, at the head of the store department.

The deputy commissary himself is entirely occupied in the accounting department, and the labour is greater now, because he has to work according to the original estimates and the amended estimates of the respective departments.

January 29, 1849.

All present.

In 1812 the Ordnance storekeeper took charge of the colonial store department, and received a salary of 300*l.* a year for that duty. At that time the Ordnance storekeeper's department received colonial allowances, but they do not now, and have ceased to draw them for some years.

In 1846, every effort was made to encourage the merchants to furnish supplies by tender. All the papers of the committee of the Legislative Council were placed in the hands of the merchants, and all the time they asked for to procure the articles was given.

Sir J. E. Tennent himself does not hesitate to say that the attempt was a dead failure. All stores which can be procured in the colony by contract are invariably so obtained, if of proper quality and at a reasonable price.

From *T. Dawson*, Esq., of the Ordnance Department, to *W. D. Bernard*, Esq.

My dear Sir,

5th June 1849.

In answer to your note of this date, I beg to acquaint you that I am not aware what the 15 per cent. charged on stores furnished by the Ordnance department to this colony is intended to cover other than what the following extract of a letter, dated 1st December 1845, furnishes:—

"I am at the same time to apprise you, that in pursuance of a communication from the Lords of the Treasury, the Board, on the 29th April 1844, desired that the charge of 5 per cent. on the cost price of stores supplied by this department should be made on all supplies to the colonies, and in every case (except where the stores are for the use of other branches of Her Majesty's Government) for departmental expenses, and 10 per cent. to cover the cost for freight, &c."

To the best of my opinion Government stores are never insured. I am not quite clear as regards your question, "what the process is, in procuring and transmitting and recovering the cost and charge of colonial stores supplied by the Ordnance department, on proper requisition from the colonial authorities?" whether it is meant to refer to supplies made by me on the spot or upon the requisition of the Colonial Government to the Board through the colonial agent in London.

I have, &c.,
(signed) *Thomas Dawson.*

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From *T. Dawson*, Esq., of the Ordnance Department, to *W. D. Bernard*, Esq.

My dear Sir,

5 June 1849.

I REGRET I cannot furnish you with the information you require, as to the form of submitting the accounts to the colonial agent for the recovery of the money; this, as well as the whole of the transaction, is conducted at home, and of which I of course can know nothing.

The invoice is sent to me, and the stores delivered by my department on their arrival to the Deputy Commissary-general.

W. D. Bernard, Esq.
&c. &c.

Yours, &c.
(signed) *Thomas Dawson*.

31st January 1849.

Present:—Hon. Mr. Templer; Hon. Mr. MacCarthy.

Lieutenant-Colonel *Braybrooke*, Ceylon Rifle Regiment.

Commissariat Department.—Was for many years the Deputy Commissary-general for Ceylon. Is decidedly of opinion, from 25 years' experience in the department, that it would be impossible to do away with the Civil Store department of the Commissariat, either in Colombo or at the out-stations. For years he has known it to be the fact that articles are constantly required for the public service which could not be obtained from private merchants, and that even within a very recent period. Is convinced, from experience, that, as a general rule, the quality of articles procured in the general market is very inferior to that of articles supplied by the Commissariat. All iron implements, paints, oils, blankets, &c., are very inferior to those supplied by the Commissariat, and invariably dearer. Even in England the Ordnance department find it necessary to keep large supplies for the public service, which are furnished by contract there, but which could not be relied upon here. When he was Commissary-general it was thought right to try to encourage the merchants by inviting tender for article to be supplied according to given samples. Contracts were made at rates much above what Government had been in the habit of paying, and the articles were invariably found to be of a quality really inferior in every respect. Colonel *Braybrooke* ceased to be head of the Commissariat department in December 1839. Within the last few weeks even, he states that he has been compelled to go to the Commissariat store for articles for his own use, which it was impossible to procure in the market at any price. The expense of the Store department of the Commissariat is really very much diminished, by the saving of all expense on account of the Barrack department, which it would be necessary to keep up even if there were no Store department. The entire expense of barrack-master and his establishment is saved by the Commissariat doing that duty.

The expense of a separate Barrack department would be at least 1,000*l.* a year. Colonel *Braybrooke* is decidedly of opinion that it would be impossible to permit the respective departments of works to be their own storekeepers, so far as regards the issue to them of large supplies of stores to be accounted for subsequently. The door would be opened to endless speculation and abuse. In this country, in particular, it would be impossible to issue indefinite quantities of stores without specific application without endless fraud and speculation. There would be no sufficient check upon the expenditure. Does not think that the Military and Civil departments of the Commissariat can be separated from each other. The duties are similar, and they are inseparable. The same stores are issued to both divisions of the department, the same accounts must be kept, and if you separate them, you must have separate stores and greater expense for establishments.

Is decidedly of opinion that all the conversion of timber, that is, the cutting it up for useful purposes, should be done by the Commissariat, and on their premises. It was so formerly, but Colonel *Braybrooke* was obliged to give it up before he left the Commissariat, owing to the want of a proper establishment. The wastage under the present system is enormous.

The brick and tile departments of *Bogambra* and of *Panabahera* ought both to be placed under and managed by the Commissariat. The expense of their management might be much reduced by that means, and the wastage would be less while the accounts would be condensed.

Establishment.—Does not think 1,000*l.* a year too much for the head of this department, including all military pay and allowances, or, if a civilian, the same amount, viz., 1,000*l.* The responsibility of the office is very great, and the duties heavy. But the general duties of the department are not nearly so large as they used to be, so far as he is capable of judging at present. The public works, buildings, &c., have decreased in extent and cost.

The Assistant Commissary, Captain *Price*, is decidedly underpaid. He ought to get 15*s.* a day, as he used to do, instead of 10*s.*, which he does now. The labour and responsibility of the office are very great indeed. The Assistant Commissary in former days used to pay

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all the minor disbursements, whereas, now, every farthing is paid by the Treasurer, however small the amount. The Commissary must still give a cheque and enter it, and the labour appears to be the same to him as that of paying the actual money.

The Treasurer again on his side is obliged to enter all these cheques and the payments of the money. The labour is double; Colonel Braybrooke's assistant always paid the petty disbursements himself, Cooly hire, casual cart hire, &c. Colonel Braybrooke's civil pay as Commissary in 1839 was 575 *l.* a year, and he drew his regimental pay and island allowances as major besides, making altogether about 1,160 *l.*

The total annual expense of the whole department throughout the island for establishments, when Major Braybrooke resigned the office in 1839, was 2,484 *l.*: it is now 3,948 *l.*, an increase therefore of establishments of 1,200 *l.* a year. Major Parke's successor will draw less island pay than he does if he be an officer on full pay on the island establishment, because Major Parke, being an unattached major, draws less Queen's military pay. At present there are five clerks in the Deputy Commissary's office, besides an extra clerk. In 1839 there were only four clerks, and they did the work well; the same number ought now to be quite sufficient to do the work, unless the amount of work has much increased, of which he is not aware, particularly as they are better paid than formerly.

A shroff and two peons are indispensable. Three furniture keepers cannot all be necessary for the public furniture.

Store Department.—Two clerks ought now to be enough, instead of three. There were three in 1839, but the work was very much greater, and they were not so well paid, at least that is his present view of the case. Two storekeepers are necessary. De Silva is not now paid in proportion to others; his pay should be increased. Nothing else can be reduced in Colombo, as far as concerns this department.

Trincomalie.—One clerk and a storekeeper ought to be enough. Reduce one clerk and one cooper.

Formerly there was only one cooper, and one ought to be enough now. The other at present, though paid as a cooper, is really a carpenter, and repairs all the barrack furniture, and makes and repairs furniture for public offices. Formerly there was more business, and then there was only one at 13 *l.* 16 *s.*; now there is a second at 36 *l.*; one at 25 *l.* ought to be enough. It is explained that one of them is a carpenter, who is employed in repairing and making barrack furniture, and things for public offices.

Galle.—Cannot reduce at all there; the establishment there is small.

Kandy.—Deputy assistant there ought to get 10 *s.* a day, instead of 7 *s.* 6 *d.* In 1839 there were only two clerks, and there were many more troops. At present there are four clerks, two of whom could be well reduced; reduce two at 50 *l.* each, he thinks, unless the system of accounting is more laborious than formerly.

A storekeeper is necessary, a cooper is necessary, and 2 *l.* a month ought to be enough; formerly he was paid 22 *l.* 10 *s.* a year, now he has 31 *l.* 10 *s.* a year; but 24 *l.* a year ought to be enough, for Kandy is not so expensive as it was.

Measureman at Kandy.—Formerly he was paid 13 *l.* 16 *s.* a year, now he gets 25 *l.* 7 *s.*; he would be well paid at 15 *l.* or 18 *l.* a year; he is a common Cooly of a more intelligent class.

Timber Yard.—No alteration required; it is absolutely necessary.

The Bogambra Brick Establishment.—Ought to be under the Commissariat, and this might well be done if the Assistant Commissary at Kandy were to get 10 *s.* instead of 7 *s.* 6 *d.* a day. Two furniture keepers at Kandy. Perhaps two people are necessary, one for furniture and one for the charge of the house. There is another for the Colonial Secretary's Lodge.

Colonel Braybrooke, from long experience in the colony, is of opinion that no public works have been done so well or so cheaply in the long run as by the military engineers, including bridges and public buildings of all kinds; all the bridges on the Kandy road were built by them. Military engineers may be employed still with great advantage. Formerly the elephants were under the Quartermaster-general's department and the Commissariat, instead of being under the Civil Engineers and the Roads departments.

All present.

Captain Price, Assistant Commissary-general.

Commissariat.—Is of opinion that the civil and military branches of the Commissariat could not be separated, at least if there were a purely military Commissariat and a Civil Storekeeper's department, the expense of maintaining them separately would be greater than that of maintaining them united.

Thinks that the Civil Store branch must be maintained, for the present at all events. We cannot procure in the open market all the different kinds of stores required, and those which can be procured are generally of inferior quality, and are at a greater price. He has been nearly six years Deputy Assistant Commissary-general, and once within that period the contract system, or rather the tender system, was tried and very fairly tried; several months' notice were given, in order that the merchants might be able to write home and make proper arrangements. The result was, that the prices demanded were higher, and the samples furnished were not equal to those usually supplied to the Commissariat by the Ordnance in England. The merchants objected also to some of the conditions;

conditions; the terms could not be considered severe, but they were in some particulars objected to by the merchants.

No calculation whatever is made with respect to public stores, either on account of marine insurance for the articles while on board ship, or on account of risk by fire while they are lying in the stores here. No exact account is kept of wastage, or of deterioration of stock while in the colonial warehouse.

The Commissariat department add on 25 per cent., not to the original cost of the articles at home, but to the invoice prices charged by the Ordnance department at home; and as they charge 10 per cent. upon the prime cost to cover freight and landing here, &c., and 5 per cent. for their departmental expenses, of course the real charge of the Commissariat here is equal to 43*l.* 15*s.* per cent. upon the prime cost of the article, which is supposed to cover wastage, deterioration, &c.

Public departments, in framing estimates, calculate according to the rates at which they can get the articles at the Commissariat, according to the Commissariat price-list, which, however, is not made to vary according to the varying rate of each invoice. It remains unaltered for a considerable length of time. As a general rule, they are not allowed to get them anywhere else, unless the same description of articles are not to be had at the time in the Commissariat store.

At present the general market could not supply all that is required. In process of time, if the Store department were abolished, probably the public market might become better supplied, but then there would be great fluctuations in price, and as a general rule the prices would be higher, even if the same quality could be really secured.

Government pay no import duty on articles required for public departments; contractors would, of course, have to pay the regular Customs duty.

Timber Department.—The sawing or conversion of timber ought to be done by the Commissariat department. Scantling, ready cut according to the dimensions required, should be issued from it, and not merely rough timber. There is more wastage in timber than in any other description of goods or material supplied by the department.

In all cases 25 per cent. is added on to the prime cost of timber. In some kinds of native woods rather more is added. In other building materials, lime, bricks, tiles, &c., there is also some wastage.

In these articles only 20 per cent. is added, but there is seldom more claimed than 5 per cent., which, with some exceptions, will probably cover the deterioration.

Tiles supplied by contract are very inferior to those made at the Government works. Bricks also are not so good, but the difference is not so great as in tiles.

We think that the sawing and the brick-making and tile-making establishments ought all to be handed over to and be conducted by the Commissariat; a sufficient establishment being attached to the department for that purpose.

Duties of the Department.—The general business of the department has very much increased of late years. The issues of stores are much larger than they formerly were, except that perhaps within the last twelvemonth public works are so much reduced that the quantity of stores issued has very much fallen off.

The correspondence in the Commissariat department has very much increased of late. Captain Price is not acquainted with the precise work performed in the office department of the Commissary, but in his own department he frequently finds it necessary to borrow a clerk from the other division of the department.

Store Department.—Captain Price thinks it quite impossible that the clerks of his own office could be reduced. If the sawing department were to be added on to the Commissariat, it would be necessary to have one master surveyor on the fixed establishment attached to the Commissariat. Probably 3*l.* a month would be enough, or 36*l.* a year. The mere sawing might be done in a great measure by prisoners, and the same quantity of sawing would not be necessary at all seasons of the year. So far from any reduction in the Colombo establishment being practicable, he thinks that both his storekeepers are underpaid. Mr. De Silva ought to get 100*l.* a year, and Mr. Candappa, the provision storekeeper, the same; they are both excellent men.

The Barrack department business is very heavy. Barrack stores, hospital stores, &c., are all in charge of the Commissariat. It would require a considerable establishment in itself, even if the Civil Store department were abolished. There is no division of establishment between the civil and military branches. Different heads of account are kept, and that is all. In selling to private individuals, the real addition to the cost price is 60 per cent.; it is 25 per cent. on 37½, added to every 100*l.*, and 5 per cent duty.

There is no account which shows on the face of it the cost price in England of articles issued and the receipts derived from the sale of them here. If it were so, the difference between the two would form the balance of profit to Government, to cover deterioration, wastage, and cost of establishments.

The new system of accounts entails some greater degree of trouble and labour upon the Commissariat than formerly.

The merchants have had every encouragement of late; at this moment there is a great deficiency of stationery for the Government departments, because the Government placed more dependence upon the probability of getting considerable supplies from the merchants than they formerly did, and have been disappointed.

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22d February 1849.

Mr. Jumeaux.

Fiscal's Department.—HE cannot perceive any possible reduction to be made in his department at present.

It is scarcely sufficient, even now, for the heavy demands upon it. From 1802 to 1833, there was a scale of fees payable on the service of every process by the fiscal; on the transfer of the original jurisdiction of the Supreme Court, in civil cases, to the district courts, the fees were discontinued; at all events, they fell into disuse. They were only levied before that time in Colombo. There was no special reason given for their abandonment, nor was any addition made to the stamp duties in consequence.

The fees were paid by the suitors. The fiscal received them. He would now propose to re-introduce these fees on a more moderate scale, properly classified. He has already drawn up a new scale, which he thinks would be paid without difficulty. If Government were to adopt this plan, even for Colombo only, and not for out-stations, Mr. Jumeaux would be prepared either to give up his own salary for the receipt of the fees, or to retain his own pay and defray all the expenses of the establishment of Colombo out of the fees. The fees have never been formally or authoritatively given up—they have merely fallen into practical disuse; he thinks that as it is well known that the fees were formerly levied, and that it is not a new demand, they would be paid without any difficulty or reluctance.

He estimates the probable amount for Colombo at 600 *l.*, or rather more. For the provinces he can only form a conjectural guess; but judging from the number of cases instituted, he thinks the fees would produce about 5,000 *l.*, exclusive of Colombo. But as the fees were not formerly levied in the provinces, he has no positive means of judging. He does not think there would be difficulty in levying them in the provinces.

The fees would be paid at the office of the fiscal.

The fees now payable to all fiscals and their deputies are 2 per cent. on the proceeds of the sale of all immovable property, never to exceed 15 *l.* in any one sale, and 3 per cent. on sales of all movable property, with the same limitation as to amount for any one sale.

They are levied by virtue of a rule of the Supreme Court, dated July 1840. Another fee is also levied, by the same rule of court, of 1 per cent. upon the valuation of all property the sale of which is postponed at the request of either party after publication; but never to exceed 5 *l.*, in any one postponed sale. The total amount of fees received in Colombo in 1840 was upwards of 400 *l.*, of which he gives up three-fourths to the establishment, and takes one-fourth himself. The fiscal is entitled to the whole amount for himself, but in this instance his surrender is entirely a voluntary act on his own part. Out of Colombo the deputy fiscals and headmen receive all the fees for themselves.

Sir William Roush proposed an Ordinance that all rules of court should be confirmed by legislative enactment, but this was disallowed in 1833 by the Secretary of State.

But since that time, viz., in 1846, a new order came from home, that all rules of court should be sanctioned by the Legislature. An Act was passed to make all new rules subject to legislative sanction, and all old rules were to remain in force.

But since the Ordinance was passed no new rules have been made. With regard to Mr. Selby's scheme, Mr. Jumeaux doubts whether it would be either safe or expedient to make so great a change in the mode of administering justice as Mr. Selby has proposed.

He thinks that in cases which relate to natives, the present district judges understand the matter better than the Supreme Court. According to the present state of the colony, he thinks the district judges ought to be continued in the civil service; you could not get respectable lawyers to come out from England to be district judges on the existing salaries. Thinks that the number of young men available in the colony, and fitted for the purpose of doing efficiently the duties of district judges under Mr. Selby's plan, would be very limited. There are many who would undertake the duty among the burghers, at a lower salary, but it would be risking too much to place them in the position in which they would stand.

The judges ought to be very particular as to the persons whom they admit to be proctors. Some district courts, as, for instance, Negombo, were abolished to get rid of a few bad proctors, who might have been struck off the rolls without abolishing the courts.

He adheres to the old system of 1833 as the best; the establishment of separate courts of requests apart from the district courts appears to him to have been a failure.

The summary jurisdiction might have been given to the district courts without establishing separate courts of requests, and without abolishing the old courts. There was no economy effected by the change.

With regard to placing Supreme Court judges at Kandy, Jaffna, and Galle, he thinks that the judges would require a long time to become masters of the real difficulties of their position.

He thinks Mr. Selby's scheme is good in itself, but it would require a long time to reduce it to practice; it would have to undergo modifications; and all changes in the administration of justice are far from being desirable so long as they can be avoided. Upon the whole, he thinks that to enlarge the jurisdiction of the Supreme Court (that is, to give to it original civil jurisdiction) would be to take away in a great measure the jurisdiction from judges who do understand what the nature of the civil suits in this country is (namely, the district judges), and to give it to those who do not.

In

In India a collector is never made a judge of the Suddera Doulut. The criminal magistrates have no civil jurisdiction.

As regards reductions, he thinks that the salaries of the judges might very well be reduced to what they were before the increase given to them in 1846. The successor to the chief justice to get 2,000 *l.* only.

With regard to the Gaol department, he thinks that the expense of it is generally reduced as low as it can be with safety. The system of open tender is adopted for the supply of the gaols in Colombo, but it has not been found practicable to introduce the tender system in the provinces.

The governor of the gaol at Wellicadde is now sufficiently paid, as long as he gets 40 *l.* from the Civil Engineers' department, in addition to his fixed pay as head of the gaol. The salary might be made up to 150 *l.* a year, by Government, on the withdrawal of the pay now given by the Engineers' department for superintending the building.

With regard to assistant agents being in some instances appointed also to fill the office of district judges, Mr. Jumeaux thinks that, as a general rule, the junction of these duties would not be advisable. As a matter of economy, it may be quite practicable, and even desirable in some few instances, to unite the two offices; and in those cases the economical view may justify and even recommend what, under other circumstances, would be open to objection.

Mr. Jumeaux hands in two papers exhibiting the reductions which he thinks might be made without detriment to the public interests in the department of the Supreme Court, and of the amount of fees which might be levied on the service of process.

MR. JUMEAUX'S PROPOSALS.

Supreme Court.

	Present.	Proposed.	Decrease.	Increase.
	£.	£.	£.	£.
Chief Justice - - - - -	2,500	—	—	—
Successor - - - - -	—	2,000	500	—
First Puisne Justice - - - - -	1,800	—	—	—
Successor - - - - -	—	1,500	300	—
Second Puisne Justice - - - - -	1,800	—	—	—
Successor - - - - -	—	1,500	300	—
Queen's Advocate - - - - -	1,500	—	—	—
Successor - - - - -	—	1,200	300	—
Deputy Queen's Advocate - - - - -	1,200	—	—	—
Successor - - - - -	—	1,000	200	—
Four Deputies—Colombo, Kandy, Galle, and Jaffna - -	1,150	—	1,150	—
Registrar - - - - -	600	600		
Two Deputies - - - - -	500	360 360	410	—
Three Private Secretaries - - - - -	630	—		
Instead of the six last-mentioned functionaries, drawing 1,730 <i>l.</i> , three, with 1,320 <i>l.</i> , should do the duties of registrars and private secretaries to the judges. The registrar should also have the supervision and settlement of the estates under the administration of executors and administrators in the district court of Colombo, under the immediate directions of the said Court.				
The office of Advocates for Prisoners be abolished - -	180	—	180	—
The two Serjeants, Sword and Mace Bearers, and Marshal, drawing 160 <i>l.</i> , be succeeded by two efficient and respectable persons to act as officers of the Court (Europeans if possible), with 60 <i>l.</i> each, to be in daily attendance at the Registry and employed as Clerks - - - - -	160	120	40	—
Head Clerk - - - - -	100	150	—	50
Second Clerk - - - - -	75	100	—	25
Malabar Interpreter (Mills) - - - - -	60	75	—	15
£.	12,255	8,965	3,380	90
Deduct Increase - - - - -			90	
Decrease - - - - -		£.	3,290	

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District Courts.

		Present.	Proposed.	Decrease.	Increase.
		£.	£.	£.	£.
1st Class.					
1	Colombo District Court and Court of Requests	1,200	1,000	200	—
2	Kandy - - ditto - - ditto - -	1,200	900	300	—
3	Galle District Court, Court of Requests and Police Court - - - -	1,000	900	100	—
4	Jaffna - - ditto - - ditto - -	1,250	800	450	—
5	Trincomalie - ditto - - ditto - -	1,000	800	200	—
2d Class.					
1	Badulla - - ditto - - ditto - -	650	600	50	—
2	Ratnapoora - ditto - - ditto - -	650	600	50	—
3	Caltura - - ditto - - ditto - -	650	600	50	—
4	Kurnegalle - ditto - - ditto - -	650	600	50	—
5	Matura - - ditto - - ditto - -	650	600	50	—
6	Batticaloa - ditto - - ditto - -	650	600	50	—
7	Chilaw - - ditto - - ditto - -	650	600	50	—
8	Negombo - ditto - - ditto - -	375	600	-	225
3d Class.					
1	Nuwera Kalawia ditto - - ditto - -	425	360	65	—
2	Manaar - - ditto - - ditto - -	425	360	65	—
4th Class.					
1	Kaigalle - - ditto - - ditto - -	325	300	25	—
2	Matelle - - ditto - - ditto - -	325	300	25	—
3	Hambantotte ditto - - ditto - -	325	300	25	—
4	Maddewaltene ditto - - ditto - -	375	300	75	—
5	Bentotte - - ditto - - ditto - -	375	300	75	—
6	Tangalle - - ditto - - ditto - -	650	300	350	—
7	Point Pedro - ditto - - ditto - -	375	300	75	—
8	Chavagacherry ditto - - ditto - -	375	300	75	—
9	Mulletivoe - ditto - - ditto - -	375	300	75	—
5th Class.					
1	Gampolla - ditto - - ditto - -	375	200	175	—
2	Calpenty - ditto - - ditto - -	375	200	175	—
3	Kayts - - ditto - - ditto - -	375	200	175	—
4	Avisawelle - ditto - - ditto - -	375	200	175	—
5	Nuwera Ellia District Court, Court of Requests, Police Court, and Assistant Government Agent - - - -	150	150	—	—
	<i>Police Courts.</i>				
	Colombo - - - - -	650	600	50	—
	Kandy - - - - -	500	400	100	—
	{ Court of Requests, Colombo, and Establishment - - - - }	931	-	931	—
Abolished	{ Court of Requests and Police Court, Matura, and Establishment - - - - }	543	-	543	—
	{ Ditto - ditto - - Galle, - ditto - - }	648	-	648	—
	{ Ditto - ditto - - Jaffna, - ditto - - }	592	-	592	—
	£.	20,439	14,570	6,094	225
	Deduct Increase - - - -			225	
	Decrease - - £.			5,869	

20th February 1849.

Mr. ARMITAGE, a Merchant of Colombo and Member of the Legislative Council.

Judicial District Courts.

NATIVES regard the administration of justice as the highest function of Government. They have not yet learnt sufficiently to separate the judicial from the executive functions of Government. In former times petitions for justice or complaints against injustice were addressed directly to the King. Indeed it is notorious that it was the usual practice for any aggrieved party at Kandy to take up his position in a tree near the King's palace until that potentate passed, when he cried with a loud voice for justice; upon which he was ordered to come down, and the case was then and there inquired into and adjudicated.

In this country we have been gradually introducing European practices, and forming our calculations upon English habits, &c., assumptions far too much.

The courts of requests with *5 l.* jurisdiction were introduced here, because they were found to answer in England and in New South Wales; but in this country almost all the natives

natives in the interior are owners of land, or are interested in it directly or indirectly, owing to its minute subdivisions and the peculiar tenure under which land is held under the Dutch law of inheritance. Land is here the most common source of dispute and litigation, and therefore there ought to be a greater facility than at present for having these perpetual disputes about rights of property judicially settled; and the courts of requests have no jurisdiction in such cases. He should propose that in those places where there are at present courts of requests and police courts, the functions of a district court should be superadded; but with the limitation that the rules of practice adopted in those courts should not be exercised in cases where the functions of a court of requests would suffice. This would exclude the proctors from being employed in cases involving only a matter of 5*l.* or under, not being land cases. It might be effected merely by a proclamation, without involving any new legislation, which it is very desirable to avoid.

It might be carried out without any additional expense; indeed the sale of judicial stamps would be increased so as probably to cover the increased cost. If the magistrates required to be better paid, the increase of expense ought not in any case to exceed the increase of revenue from stamps.

The effect of his proposal would be to introduce the employment of proctors in all land cases, even if land jurisdiction were extended to courts of requests. The employment of proctors is not always advantageous to the suitors, but it is to the judge; it saves time, and the work is better done.

For the present, the best course would be to increase the jurisdiction of the local courts. Don't add new courts in the first instance; if in future you want more courts, then will be the time to create them. He would not advocate any increase of expense whatever. If he advocates the cause of the proctors, it is more on behalf of the judges and the public than of the proctors themselves, in order to prevent waste of time, delay of justice, and useless expenditure of public money. He has come to the conclusion that over-education, or the endeavour to enlarge classical education upon the natives or burghers here is perfectly inappropriate in this country—worse than useless in some respects. It prevents young men from applying their hands to labour; they learn to despise their parents and relations, and are apt to get filled with conceit.

(No. 52.)

No. 3.

COPY of a DESPATCH from Viscount *Torrington* to Earl *Grey*.

Queen's House, Colombo, 11 March 1850.

(Received 23 April 1850.)

My Lord,

1. IN my despatch, No 25, of the 15th of January last, I submitted to your Lordship such general remarks upon the subjects treated of in the Report of the sub-committee of the Executive Council upon the fixed establishments of the colony as suggested themselves to my mind after a careful perusal of the Report itself, and an attentive study of the many important questions which were necessarily comprised within the scope of an inquiry of such a nature.

2. Although I was compelled with regret, owing to the short period that the Report in its completed form had been in my hands, to postpone the consideration of the Judicial department and the establishments which might be deemed best calculated to promote the efficiency and ensure the economical management of this essential branch of the public service; I rejoice, nevertheless, that I have been able to profit by the additional opportunity afforded me of investigating a subject surrounded with so many elements of difficulty, and suggestive of so many reflections, bearing upon the social and moral condition of the inhabitants of this island.

3. The administration of justice, the enunciation of the law, has been from time immemorial, and for obvious reasons, regarded throughout the East as the highest attribute of Government, and has been watched by the inhabitants with a degree of respect and veneration proportioned to its high claims, and its influence upon their social well-being and happiness. On the continent of India, more than half a century before Bengal and Benares were ceded to the Honourable Company, Aurungzebe had collected the most learned lawyers from all parts of his empire, and had employed them for years in drawing up a code of laws for the use of his subjects. So great indeed was the influence and the authority of the administrators of the law under his sway, that even governors of provinces stood in awe of them, and were sometimes obliged to court, and not seldom even to succumb to them.

4. Previously to the introduction of the Charter of 1833 into Ceylon, although there was at that time no uniformity of system, or identity of practice

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pursued in the courts, the position and authority even of the Governor, and the respect with which they were regarded by the people, were in no small degree strengthened and confirmed by the fact of his being the president of the highest court of appeal in the island, assisted indeed as he was by the two judges of the Supreme Court sitting with him, together with the Chief Secretary and the Commissioner of Revenue. At no time, I believe, has a court of appeal been more looked up to or regarded with greater veneration and satisfaction than the High Court of Appeal of that period.

5. In Ceylon, the provision of cheap and accessible judicatures was placed in the very highest rank among the requirements of its inhabitants, and the first duties of its Government; "and so great," observed Mr. Cameron, "appears to be the deficiency of other restraints upon the bad passions of mankind which pass under the general name of 'morality,' that each individual owes nearly all the security he enjoys in this island to the protection of the law."

6. The lower the moral condition of the people the more do they stand in need of such protection against each other; and the more too is the Government concerned, both in interest and in duty, to afford it to them.

7. Reluctantly adopting this general view of the moral condition of the inhabitants, and assuming that there is that prevalent disregard of truth, coupled with a readiness at all times to oppress and to exhibit the violence of their personal feelings against each other, which has been strongly dwelt upon by many, we shall be disposed to concede that, not only for the beneficial ends of justice and for the purpose of vindicating and upholding the people's just rights, but also for the detection and exposure of fraud and falsehood, and to ensure its merited punishment, a considerable judicial establishment must at all times be maintained in this island.

8. It may be said, that in a country like this, the operations of good government, the protecting as well as controlling influence of its authority, the respect and veneration which attaches to it, and the very happiness and contentment of the people themselves, are largely dependent upon the adaptation of the system of judicature to the wants and the wishes of the inhabitants. The proneness of the natives to what has been called "petty litigation" has been a subject of repeated comment from the very commencement of our occupation of the island; by Mr. Cameron it seems to have been regarded as not by any means an evil; indeed, he remarked that "experience had never shown that petty injustice could be prevented or remedied by any other means."

Others however have entertained different sentiments upon this subject, and the measure of abolishing several of the district courts, in 1845, was resorted to by Government principally with a view to discourage the spirit of litigation complained of, by diminishing the opportunities for its indulgence. But the success of that experiment seems to have been exceedingly questionable. There may doubtless have been less law, but it is to be feared that there may have been at the same time less justice. The intense interest and determined spirit with which the natives cling to their minutest rights of property, particularly where land is concerned; and the many important questions which arise among them connected with the determination of those rights, irrespective of the mere value of the land itself (which may be very inconsiderable), render it of the very first importance, both to the Government and to the native inhabitants, that ample facilities should be afforded to them for the adjudication of their claims.

9. Deprived of those facilities, the pent-up passions are apt to burst forth in deeds of violence; and where the people cannot go to law, they are prone to fight, and bloodshed and loss of life become the consequence. Litigation seems to be in many instances a species of luxury to the natives, from which they derive a kind of pleasurable excitement; and it may, perhaps, be even regarded as a safety-valve against the outburst of their passions in some other, or more dangerous form. The peace and harmony of society, therefore, will be promoted by furnishing adequate facilities to the inhabitants for the adjustment of their claims and the quiet settlement of their disputes, by means of the legitimate tribunals.

10. Abuses will necessarily be liable to prevail to a greater or less extent, and vexatious litigation may be one of the most to be deplored; but a wholesome check to this spirit has been provided by the required payment of stamp duties

duties on the proceedings, and by fees of court. I am aware that Mr. Cameron's advocacy of gratuitous administration of justice was carried to the extent of recommending the total abolition of stamps and fees; but in this, as in some other instances, his ingenious theories have not been reduced to practice in Ceylon. Stamps and fees of court are still levied, and while they tend to check vexatious litigation they also form a not unimportant item in the public receipts; equal in fact to nearly a third part of the total cost of the administration of justice.

11. With these few preliminary observations, I cannot avoid stating my impression at the outset, that the establishments requisite for the due and satisfactory administration of the law in Ceylon must inevitably be formed upon a somewhat extensive and proportionably costly scale; and although reductions may be effected without detriment in some branches of the existing expenditure for judicial purposes, I should be exceedingly unwilling, both upon grounds of public policy and also for the sake of the general convenience of the inhabitants, to see fewer opportunities or less ready facilities afforded to them for the due adjustment of their lawful claims than they at present enjoy. So far from it, indeed, I think it may fairly be questioned whether those facilities ought not to be still further extended and improved.

12. The total estimated expenditure for the year 1849 for the administration of justice was 48,000 *l.*, including the circuit expenses of the Supreme Court, the payment of witnesses, and other incidental charges. Of the above sum upwards of 30,500 *l.* was for the expenses of the district courts and of the police magistrates' courts and courts of requests, and about 11,000 *l.* for the cost of the Supreme Court, including the Registrar's department and the circuit expenses. On a first view of the case, one would be disposed to imagine that an expenditure not much short of 50,000 *l.* a year (or nearly an eighth part of the whole revenue of the island), for judicial purposes alone, must be a larger sum than could really be necessary, even for that most important branch of the public administration; and taking the population at something more than 1,400,000 souls, distributed over an area of about 25,000 square miles, it would not be difficult to arrive at the probable conclusion, that the judicial establishments must be either greater in point of number, or more expensive in their composition than the circumstances of the colony or the wealth of its inhabitants would require, or than we are accustomed to find them in many other of our colonial possessions. At the very least, we should be disposed to draw the inference that there could be no just grounds of complaint on the part of the inhabitants of the want of the most ample facilities for the adjudication of their claims and the most abundant means for rendering justice among them between man and man. But I am induced entirely to concur in the view taken in the Report, that substantial improvements may be effected, and beneficial modifications of the existing system of judicial administration introduced, concurrently with a reasonable saving in the amount of expenditure.

13. The cost of the judicial establishments before the introduction of the Charter, say for the year 1831, amounted to about 33,000 *l.* per annum, exclusive of contingencies and of circuit expenses; but with the addition of these charges it amounted to upwards of 37,000 *l.* In Viscount Goderich's despatch, of the 23d March 1833 (No. 114), reductions were ordered to be effected, which (so far as regards the fixed establishments), were calculated to have the effect of reducing the apparent expenditure to little more than 25,000 *l.* a year; but, in reality, this proved after all to be rather a nominal, not a real saving of money. Some of the courts were directed to be abolished, which it was found impossible to dispense with, and although the large salaries at that time enjoyed by the higher judicial officers were certainly very much reduced, it was found indispensable to enlarge the judicial establishments under other heads, so that the actual expenditure since the introduction of the Charter has been greater than it was before; indeed it went on progressively increasing up to the year 1847; and it is to be observed that Mr. Cameron himself does not appear to have ever entertained the expectation that the administration of justice could be effectually conducted in Ceylon at a very cheap rate.

14. Before the Charter was introduced, in addition to the Supreme Court, consisting of one chief justice and one puisne justice, there were in all 36 or 37 courts, through which the law was administered, including the courts of

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the agents or assistant agents of Government in the Kandian provinces, by whom certain judicial as well as civil functions were exercised. There are at present the same number of courts (including that recently re-established at Mallagam) for the administration of justice, but some of these are held in different places, and the jurisdiction of many is different in degree from what it was either before or soon after the introduction of the Charter, and less extensive than the circumstances of the people would appear to demand. An addition of a second puisne justice was made to the Supreme Court in 1833, the expediency of which has been generally doubted; and augmentations have since that period taken place in the cost of the Queen's Advocate's department, as well as in that of the establishments of some of the minor courts, which although, in some degree, justified by the increased expense of living, will probably admit of reductions at the present time.

15. Some misapprehension has prevailed respecting the cost of the judicial establishments for a given period, previous and subsequent to the Charter, as well as in more recent years; and this misapprehension seems to have arisen in no small degree from the complicated manner in which the accounts were prepared. Thus, for instance, taking the years 1828 and 1831, previous to the Charter, we find that the charges incurred for the administration of justice were as follows:—

	1828.	1831.	Decrease.	Increase.	Saving.
	£.	£.	£.	£.	£.
Fixed Establishments - - -	32,093	28,899	3,194	—	—
Fixed Contingencies - - -	3,330	5,183	- -	1,853	—
Unfixed Contingencies - - -	3,120	3,803	- -	683	—
TOTAL - - -	38,543	37,885	3,194	2,536	—
Deduct Increase - - -	- - -	- - -	- - -	- - -	Saved 658

It will, therefore, be seen that, with an apparent decrease of 3,194 *l.* between those two years, there was only a real saving of 658 *l.* But the fact to which I allude will be still more remarkable, if we take the year which followed the introduction of the Charter, and it is also to be remembered, the very year after the transmission of the schedules by Viscount Goderich, which had the appearance of limiting the expenditure to about 26,000 *l.* We then find that not only did the charges for the fixed and unfixed contingencies increase in proportion to the reduction on the fixed establishments, but under the head of "Provisional" particular charges were included, for which no provision had been made by the Secretary of State.

16. Thus, comparing the years 1831 and 1834 (the year following the introduction of the Charter), we find the actual expenditure to have been as follows:

	1831.	1834.	Increase.	Decrease.
JUDICIAL EXPENDITURE:	£.	£.	£.	£.
Fixed Establishments - - -	28,899	26,449	- -	2,450
Provisional - - - - -	- -	4,718	4,718	—
Fixed Contingencies - - -	5,183	4,296	- -	887
Unfixed Contingencies - - -	3,803	7,889	4,086	—
TOTAL - - -	37,885	43,352	8,804	3,337
Deduct Decrease, leaving clear Increase of - - -	- - -	- - -	- - -	£. 5,467

17. With a view to exhibit at one glance the progressive expenditure for judicial purposes for a series of years, commencing five years before the introduction of the Charter, and continuing through the entire period which has since elapsed, I have prepared the following table, in which, for the sake of simplicity, the total expenditure in each year is given in one sum. An inspection of this table will render it obvious that the cost of the administration of

of justice began to increase immediately after the introduction of the Charter of 1833, and that it attained its highest amount in the years 1845, 1846, and 1847, after the abolition of certain district courts had taken place, and police courts and courts of requests were first introduced in their stead. In the year which immediately preceded my assumption of the Government the expenditure for judicial purposes amounted to very nearly 59,000 *l.*, and the charges paid for the same branch of our administration during the year 1847 (which could not be suddenly curtailed) amounted altogether to 65,000 *l.* In 1848 and 1849, however, they were very considerably reduced :—

JUDICIAL Expenditure for Twenty-one Years.

Year.	Total Judicial Expenditure.	REMARKS.	Year.	Total Judicial Expenditure.	REMARKS.
1828	38,543		1839	43,048	
1829	37,299		1840	45,270	
1830	40,262		1841	47,711	
1831	37,885		1842	46,540	
1832	35,729		1843	45,124	
1833	45,486	Charter of Justice.	1844	50,485	
1834	43,352	1st year of Charter.	1845	53,310	{ Courts of Requests and Police Courts first introduced. Salaries increased.
1835	45,432		1846	58,896	
1836	41,289		1847	65,070	
1837	41,918		1848	42,915	
1838	42,636				

18. Among the enclosures to this Despatch will be found a statement showing the number of district courts at present existing in the island, as well as those which were abolished in 1845, and the number of inferior courts, or courts of requests, substituted for the abolished courts. From a consideration of that statement it will be apparent that the entire original civil jurisdiction throughout the island (except as regards small money cases under 5 *l.*) is now intrusted to 15 courts, who, moreover, have exclusive jurisdiction in all cases where land is the subject of dispute, however small the amount, or in which the matter in question "relates to anything whereby rights in future may be bound." These extensive powers were previously to 1835 intrusted to 28 courts, whose territorial jurisdiction was consequently more restricted; in other words, the inhabitants had a less distance to travel in some parts of the island to obtain legal redress, or to procure the vindication of their rights, than they now have. Of the 15 district courts still remaining, 10 are united with the police magistrates' courts and courts of requests, so that in these instances the one combined court is invested with the entire judicial administration, both civil and criminal, within the limits of the district, except as regards the highest class of criminal cases, which belong exclusively to the Supreme Court.

19. In 1845 not less than 13 district courts were abolished, and in 12 instances police courts and courts of requests were established in their place; in other words, the change was simply equivalent to a very large reduction in the powers and jurisdiction of the courts in those particular places; the new courts were deprived of all jurisdiction in land cases, and were prohibited from permitting written pleadings, and the appearance of professional practitioners, in any case brought before them. The administration of the law was thus rendered in the districts in which the former courts were abolished (if I may use the expression) more imperfect, both in civil and criminal matters, than it was before; and it would, perhaps, be difficult to say, that sufficient advantage was derived from the change to counterbalance altogether the disadvantages which resulted from it. Among the latter the diminished facilities for settling their land disputes became a frequent ground of complaint among the native inhabitants; indeed, in some parts of the island it is believed to have been not only a source of considerable dissatisfaction, but also a fertile origin of disturbance and deeds of violence.

20. The table above given of the expenditure in different years will suffice to prove, that so far from any economy resulting from the change, the expenditure was really at the same time increased, although this may be partially accounted for by the augmentations made to the salaries of the judicial officers,

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and to those of their establishments, in many instances. It may after all be fairly questioned, whether the much-vaunted diminution of litigation, supposed to have resulted from the closing of the district courts, has been really so great, or in any way so beneficial, to the people as has been asserted. And if we take into account the value of the stamps required to be used in all judicial proceedings in district courts, it would scarcely appear that any supposed diminution of expenditure, effected in particular instances by substituting courts of requests and police courts for those of superior jurisdiction, has been more than, if so much as, counterbalanced by the loss of the revenue from the stamps which would have been sold in the abolished courts. I shall hereafter have occasion to offer further observations upon the general question, and, I think, I shall be able to show that in this island, so warmly attached are the inhabitants to their smallest rights in the property of the soil, so complicated are the tenures, and so much are the customs and usages of the inhabitants bound up with or dependent upon the maintenance of those rights, insignificant as they may appear to European eyes (while the temptation to seek to deprive each other of them must be very great), that it becomes the positive duty of the Government, not less than it tends to its direct and immediate advantage, to provide ample and abundant facilities to the people for the settlement of their disputes according to law.

21. Care must be taken, however, to afford all the security in our power against the conversion of these courts of justice into instruments of vexatious and vindictive litigation. It has been quaintly remarked, that the system introduced by the Charter, and the principles enunciated by Mr. Cameron, while they tended certainly "to bring justice to every man's door," were nevertheless calculated, at the same time, "to bring a very troublesome neighbour close to every man's home." Every system, however judiciously framed or cautiously regulated, must be liable to abuse against which it may not at all times be an easy matter for the Government to provide safeguards. But in order to get rid of that abuse it was not, I think, sufficiently shown that the abolition of the courts was the best or the only remedy. I am very sensible that the success or the failure of any attempt to improve the existing system must, in a great measure, depend upon the excellence or the deficiencies of the instruments employed to carry it out. Efficient men will make almost any system work, and even the worst may be rendered supportable, if conducted by able, judicious, and efficient officers. With a view to obtain such, it is proposed in the Report that the judicial shall in future be kept separate from the civil branch of the public service, and that the principal judges (who will be those of the four sessions courts) shall be placed, in point of salary and position, on a level with the higher officers in the civil branch, and that the bench of the Supreme Court itself shall be open to them. In fact good men must be well paid, and adequate inducements held out to them, hence the mere question of economy, taken in the abstract, is only one of the many elements requiring profound consideration in treating of so important a question of public administration as that now under investigation.

22. Economical considerations doubtless materially influenced the members of the Committee in arriving at many of the conclusions which they have adopted in their Report; but practically the proposed changes involve the consideration of principles, and these are of very great importance, particularly in an eastern country, where all changes or innovations are generally received in the first instance, with a certain degree of mistrust by the native population.

23. I proceed to review, with as much brevity as the subject will permit, the principal modifications in the existing constitution of the courts which have been recommended by the Committee. The most important of these, and one against which powerful objections may not improbably be raised in some quarters, is the virtual abolition of the Supreme Court, which has existed under various forms ever since the promulgation of the Charter of 1801, by which a court of record, to be called the "Supreme Court," was first created in Ceylon, consisting of a chief justice and one puisne justice, with other necessary officers. It will be unnecessary to dwell upon the provisions of the first Charter of Ceylon, because it was entirely annulled, together with the charters of 1810 and 1811, by that of 1833, under which the present Supreme Court was established, consisting of a chief justice and two puisne justices. To this court was intrusted the highest original criminal jurisdiction, but no
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original civil jurisdiction. Their appellate jurisdiction, however, extended over all the courts in the island, both in civil and in criminal proceedings.

24. The Report now under consideration proposes so far to modify the constitution of the "Supreme Court" as to retain only a single judge, to be styled "The Chief Justice;" and this court is to be relieved from all original jurisdiction whatever, both criminal and civil, and is to be "wholly and solely a court of appeal from all the civil courts in the island." As it is recommended that it shall sit permanently in Colombo, it is of course to be understood that the "circuits" are to be abolished, and the heavy circuit expenses at present incurred, amounting to about 3,000 £ a year, are to cease.

25. It is not quite clear, from the wording of the Report, whether it is intended to transfer to the Supreme Court the testamentary jurisdiction which at present resides in the district courts, as this would militate against its being "wholly and solely a court of appeal," a change of this kind is probably not contemplated; but provision should, I think, be made for the exercise by the Supreme Court of appellate jurisdiction in criminal cases (with certain limitations), not less than in civil cases, more particularly as it is proposed to transfer to the district courts (or to certain of them) the high original criminal jurisdiction, even up to questions of life and death, which at present belongs to the Supreme Court alone.

26. Only four of these district courts, however, are to possess these extensive powers, and they are to be distinguished by the name of "sessions courts;" and for the exercise of this higher criminal jurisdiction they are to hold criminal sessions four times in each year, sitting on those occasions with a jury composed and summoned according to the practice which at present obtains in trials before the Supreme Court. These four sessions courts, in other words, the principal district courts of Colombo, Galle, Kandy, and Jaffna, are also to exercise an appellate jurisdiction over all the police courts and courts of requests within their respective provinces, with liberty of further appeal, under certain conditions, to the Supreme Court itself.

27. As the circuits would, by the proposed system, be abolished, it becomes necessary that all appeals to the Supreme Court should be heard at Colombo; and as these would probably be founded, in the great majority of cases, upon questions of law rather than of fact, it would be attended with the great advantage that the proceedings and arguments would be conducted by an able and efficient bar, such as must at all times be more likely to be found in the capital than at any of the provincial towns. If the chief justice himself were to be raised from the bench of the sessions courts, as proposed, he would bring with him that perfect acquaintance with the local laws and customs, and that thorough knowledge of the habits and usages of the people in different parts of the island, which is so much to be desired on the part of the first judge of the land, and the want of which has been sometimes so seriously deplored in appeal cases.

28. Another not unimportant result would also probably follow, namely, that the frequency of appeals would be diminished; only the more important and difficult cases would be likely to be carried up to the higher court at Colombo; and when we consider that even at present, in the majority of cases in appeal on circuit, the judgment of the court below is ultimately affirmed, I incline to think that many advantages, and comparatively few inconveniences, would result from the sending all appeal cases from the district courts to Colombo for trial before the Supreme Court.

29. Economical considerations, added to many other advantages, would, in my opinion, tend very greatly to overbalance the minor objections which might be raised against the proposal of abolishing the circuits of the Supreme Court, and of reducing its composition to that of a single judge (aided, however, when necessary by the sessions judge of Colombo), and also of transferring its original criminal jurisdiction to the four chief provincial courts. In the simple practical view of the question submitted in the Report I entirely concur; and if minor obstacles should appear to stand in the way of its ultimate adoption, I can have little doubt that, under your Lordship's instruction, means will readily be found by the local Government and the Legislature to provide an adequate remedy for them, whenever the various Ordinances which it will be necessary to bring before the Legislative Council for the introduction of these change, shall have received that full and dispassionate

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consideration which I am confident they will claim at the hands of its members.

30. Other objections, however, besides its expensiveness, have been raised against the constitution of the existing Supreme Court, which it is here incumbent on me to notice; these are, first, that it is composed of members of the English or Scotch bar, who come out at a time of life when their habits of thought are supposed to be established, and their legal acquirements and experience confirmed, and who can have had no opportunity of acquiring by practice a thorough acquaintance with the laws of the island, or any knowledge of the language, the customs, the usages, and the peculiar habits of thought and mode of giving evidence of the native inhabitants; and that, having no original civil jurisdiction whatever, they are, nevertheless, called upon to decide in appeal all the cases which come up to them from the district judges. On the other hand, the latter, although in most instances not professionally educated for the bar or bench, are said to become peculiarly qualified by local study, by practice, and by practical acquirements with the customs and usages of the people, for the proper decision of the questions which come before them.

31. The second objection to the Supreme Court is said to be its "obstructiveness," or "the unnecessary difficulties thrown from time to time in the way of the machinery of Government by the continued existence of this *imperium in imperio*;" an antagonism, in fact, is supposed to exist between the Supreme Court and the Executive Government.

32. With regard to both the above objections, it must be obvious that in this as well as in other instances the practical character of any particular institution, however meritorious may be the principles of its formation, must largely depend upon the personal ability, the disposition, and the administrative aptitude of those appointed to carry it out. The proposal to open the Supreme Court to the sessions judges, that is, to the judges of the district courts, promises, without doubt, many very important advantages; those, namely, of a thorough acquaintance with the local laws, customs and usages, the appreciation of local evidence, and above all (it is to be presumed), the knowledge of the local languages. I am fully supported by the opinion of the present chief justice upon the importance of the latter point, for he appeared to admit before the Committee that, as regards Ceylon, "it would be better to have judges who know the languages well, and are not profound lawyers, than to have good lawyers who know nothing of the languages."

33. So far, then, the proposal to open the Supreme Court to the local judges is deserving of much consideration; and I am disposed more particularly to give it my support, because I should anticipate that the effect of its becoming an object of ambition to the sessions judges would be, that men educated as barristers, and distinguished for their ability and their learning, would aspire to become sessions judges; and I should look forward at some future period to an improvement in the whole character of the judicial branch of the service as a result. Thus by the effect of gradual promotion and adequate objects of ambition extended to its members, I cannot but feel sanguine that we should ultimately possess a body of able and well-trained judges, thoroughly acquainted with local laws, usages, and languages, whose decisions would prove entirely satisfactory to the people. Fewer appeals would doubtless be the consequence, and the business of the appellate court would consequently be reduced within moderate limits.

34. And here I would observe that the supposition is not quite correct that the civil or the Roman Dutch law is the law of the whole island. It applies, no doubt, chiefly to the maritime provinces ceded by the Dutch; but it has, I believe, no recognised application to the Kandian Provinces ceded in 1815; and, moreover, other parts of the island have their local laws and customs, as is the case, for instance, at Jaffna and in the Tamul portion of the Northern and Eastern Provinces. There are likewise the laws and the usages of the Mohammedans or Moors, who form so numerous a part of the trading community to be considered. Upon the whole, therefore, I should be inclined to say that the Roman Dutch law applies in the stricter sense to scarcely half the population of the island. The provinces or districts forming the old kingdom of Kandy, ceded to us in 1815, may be taken to contain nearly 500,000 inhabitants, and in them the Kandian law prevails; or where it is insufficient, and where judicial decisions in previous cases do not afford a sufficient guide, or

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local Ordinances are silent, the English law, or, perhaps, more properly speaking, the law of natural equity is brought to bear upon the determination of the suit. In cases of appeal to the Supreme Court on circuit, much at present depends upon the previous training and habits of thought of the particular judge before whom such appeals are heard. If the case be sent back to the district court for further evidence, as not unfrequently happens, or upon any other ground, a different judge at the next circuit of the Supreme Court may have to hear the case in appeal, and thus different habits of thought and different degrees of acquaintance with the local laws, customs, and usages of the people may be brought to bear upon the same case; in the hands of different judges, none of whom have gone through a previous course of training in the country.

35. At Jaffna there is a population of upwards of 230,000 inhabitants, nearly all Tamul, whose peculiar laws and customs have as yet only been partially collected, notwithstanding the efforts which have been made by the present Chief Justice to form a digest of them. The Moormen, again, more particularly in the Eastern Province, form a numerous and enterprising class. It must be obvious, therefore, that the advantage of local experience, and of perfect familiarity with the usages and the languages of the inhabitants, must form the most valuable of all elements in the constitution of an appeal court.

36. There is, nevertheless, much in the high training and thorough education of an English lawyer which must render his presence an important addition to any bench, however constituted; and his example and suggestions valuable to any bar, and, above all, to a colonial one. The dignity, the authority, and the legitimate influence on men's minds to be exercised by a Supreme Court must at all times be upheld and promoted by the knowledge that it is composed of one or more gentlemen remarkable alike for the excellence of their earlier professional as well as general education, and for an intimate knowledge of local languages and customs subsequently acquired. I confess that I am sanguine enough to hope that such a combination might hereafter be found in the person of a judge raised from the bench of the district courts, if the inducements of adequate compensation and promotion be held out to them.

37. The other objection to the present constitution of the Supreme Court, namely, that it forms a sort of "*imperium in imperio*" in the colony, which has a tendency to clog the machinery of Government, requires few observations on my part. I am aware that in some colonies there may have existed a want of that perfect harmony which is so much to be desired between the Supreme Court and the Executive Government; but I should much doubt whether there is really anything inherent in the constitution of a Supreme Court which has any necessary tendency to lead to such a result. In this island the authority given to the local legislature by letters patent, dated 28th January 1843, "to alter the constitution of the Supreme Court, or any other court of civil or criminal justice, and for regulating the proceedings in such courts and the jurisdiction thereof, and the powers and authorities of the judges, and for regulating all matters incident to, or which may appear necessary for the economical, prompt, and effective administration of justice, criminal and civil," notwithstanding the Charter of 1833, may possibly have been received with some little regret by the Supreme Court; and the Ordinance No. 8 of 1846, which was passed by the local legislature by virtue of that power, for "rendering the operation of rules of court contingent on their enactment by the Legislature," may have been possibly regarded with some little degree of jealousy. But I should be sorry to anticipate for a moment the probability of any collision whatever between the Supreme Court and the Executive Government, nor have I found reason to suppose that any such was likely to occur.

38. I am aware that it has been a frequent subject of remark, that since the passing of the Ordinance No. 8, of 1846 (not having any retrospective effect), although it is admitted on all sides that many of the existing rules of court require amendment, and others might be advantageously framed for the better regulation of the various courts of judicature in the island, no alteration whatever in the former rules has been made; nor has a single new rule been proposed or submitted by the Supreme Court to the Governor to be laid before the Legislative Council. Other grounds of complaint (whether well or ill founded I am not prepared to say) have sometimes been supposed to exist with

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regard to the constitution and practice of the Supreme Court, which, as they are rather of a technical or professional nature, do not properly find a place in this despatch.

39. In other respects I should be sorry to think that the "want of uniformity of action," alluded to in the Report, had any degree of real or substantial foundation. It may, in one or two remarkable instances, have been the case on the continent of India; but the jurisdiction and authority of the Supreme Court at the presidencies are totally different from those of the Supreme Court in Ceylon; so that it is scarcely possible, and I should hope if possible, not probable, that any collision could here take place. For my own part, I am happy to be able to look back with satisfaction upon the good understanding which has existed between the highest judicial and executive authorities since my assumption of the Government.

40. I have already noticed the proposed formation of four sessions courts, or, in other words, the intrusting to the four principal district courts of Colombo, Galle, Jaffna, and Kandy, unlimited criminal jurisdiction, to be exercised during sessions to be held for that purpose four times in the year, assisted by a jury. I have also alluded to the appellate jurisdiction proposed to be given to these courts within the respective provinces. Before entering into the consideration of this subject it will be necessary for me to notice the observations concerning the district courts in general contained in the Report, and also to remark upon the proposed extension of jurisdiction to be granted to the courts of requests.

41. The modifications which have been suggested are in reality so extensive, the principles involved in them so important, and the results to which the application of them must be calculated to lead so momentous, that I cannot forbear dwelling upon them at greater length than I should otherwise have permitted myself to do.

42. Under the Charter of 1833, the entire original civil jurisdiction was intrusted to the district judges, sitting with three assessors, within their respective districts, appeal lying from their decisions to the Supreme Court on circuit.

43. But by the Ordinance No. 10, of 1843, these courts were relieved from a portion of their duties in minor cases, by the establishments of courts of requests, which first came into operation in 1845. These inferior courts were required to determine in a summary way, according to equity and good conscience, all complaints and suits for debts, demands, or damages not exceeding 5 *l.* The parties to the suit were to state their case *vivâ voce* in open court, or upon interrogatories not on oath: no written pleadings were to be used, and no person whatever was to be permitted to appear in court on behalf of any party to a suit unless the Commissioner were satisfied as to the sufficiency of the cause which prevented the personal attendance of the party; and in the event of a substitute being permitted, no costs whatever incurred thereby were to be chargeable to the opposite party, whatever might be the result of the suit. Power was reserved to the Supreme Court, and to it alone, of reviewing the proceedings of these minor courts, on application for that purpose being made to it, setting forth the particular facts and grounds upon which the appeal might be founded. No jurisdiction whatever was permitted to these courts in land cases, which, as before observed, form so fertile, and often so important a source of litigation among the native inhabitants.

43. To these minor courts, however, it is now proposed to intrust a jurisdiction, not only in money cases up to the value of 25 *l.*, or five times the present amount, but also in land cases to the same extent. This would practically be equivalent to depriving the district courts of their present jurisdiction in all cases under 25 *l.* value, whether the dispute related to land or money, or whether any present or any future rights were in question. In other words, it would transfer in the first instance the power of adjudicating upon the rights of the people in the great mass of cases in which the most important questions, both of law and of fact, are involved from courts presided over by men of more mature experience, in which the parties to the suit (and likewise the court itself) can enjoy the advantage of legal advice, and have the benefit of the discussions of experienced counsel, to inferior courts presided over chiefly by the junior members of the service, in which no such aid could be obtained, and where no adequate means would be at hand for divesting the case of the extra-

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neous matter which must of necessity be introduced into it when the parties to the suit are permitted to state their own case for themselves. In money cases (as they are here called), within reasonable limits, the difficulties would not be so obvious, because whether the amount in question were 5 *l.* or 10 *l.*, or 15 *l.*, the documentary evidence would generally be equally simple; even in such cases, however, great caution would still be necessary, because the use of forged instruments is by no means an uncommon practice in this country.

44. In land cases, on the other hand, the great majority of which are of small amount, the questions both of law and of fact upon which the decision would most commonly turn, are perhaps not less complicated and difficult in some of the smaller than the larger cases. Indeed it not seldom happens that cases of small amount are brought before the district courts for the sole purpose of testing the "right;" for upon that hangs many of the dearest privileges to which the natives are attached. The mere amount, therefore, is not always an index to the importance of the case or a measure of the consequences that may be involved in it. Even the law of inheritance itself, the most difficult and perplexing to determine in this country, and the development of the facts to which the law is to be applied, obscured and falsified as they often are by the conflicting evidence adduced, may have to be pronounced by a commissioner of a court of requests of little experience, without the assistance which might be afforded to him by the pleading and the arguments of professional practitioners. It would follow, therefore, that whatever objections we may entertain upon general grounds to giving undue facilities for appeals from the decisions of the minor courts, we must be prepared, if their jurisdiction be enlarged, to do all in our power to prevent obstacles being thrown in the way of obtaining ready access to a superior court in cases of unusual difficulty which may have been first brought before the courts of requests.

45. To this end it is proposed that an appeal should lie from the minor courts to the four sessions courts, of which mention has been made; that is to say, the appeals both on points of law and fact from all the courts of requests in the island, 28 in number, would have to be carried before the courts at Galle, Colombo, Kandy, and Jaffna.

46. Setting aside for the present the appeals in money cases, which might not be very numerous, it might not be improbable that appeals in land cases would be frequent. The rights most dear to the people, about which they are ever ready to litigate and to fight, may be brought into question. In many instances it would be extremely difficult, if not impossible, for an unassisted judge to arrive at a decision satisfactory to himself, upon the points of evidence alone; and the labour of examining witnesses personally in open court would be incalculable. It would seem to follow, therefore, that a further remedy by means of appeal would often be sought for.

47. I am by no means unacquainted with the difficulties which stand in the way of appeals either on points of law or of fact, when they are to be brought from minor courts in which legal practitioners do not appear, where in cases of difficulty the real questions to be determined have not been reduced to precise points, and where the evidence has not been brought into a tangible and available shape, according to admitted rules of evidence and of pleading. In many instances a case in appeal might really have to pass through the whole process of a new trial, and the witnesses would all have to be brought up from a distance at considerable expense to the chief provincial town.

48. It might also perhaps be objected, that a case which if it had been of higher amount would have been cognizable by the nearest district court, would be liable to be remitted, owing to the mere fact of its being of smaller amount, for trial in appeal to the distant sessions court of the province. Appeals in land cases might therefore become really very difficult; and one of two results might follow, either such cases would often not be brought before the inferior court, and the dispute would continue as before unsettled altogether, or else the parties before the court would remain not less dissatisfied, whatever the result of the suit might be. It cannot be doubted that where the subdivisions of landed property are so minute, as is the case in some parts of this island, and so many complicated questions arise respecting not only the property in the soil, but in the produce also, and even in the trees and the fruit upon them, apart from the property in the soil on which they grow, the mere question of value would *primâ facie* appear to be insufficient of itself to determine in what

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mode, by what course of proceeding, or in what description of court these complicated questions should be determined. Hence it is not surprising that strong objections should be entertained in some quarters to the conferring upon courts of requests any jurisdiction whatever in land cases. It has even been urged that it would tend to destroy the unity of the law, upon the importance of maintaining which Mr. Cameron so strongly insisted, and that it would give the greatest encouragement to false swearing and vexatious litigation, because adequate means would not be found in courts of requests (in the absence of cross-examination by experienced practitioners) of detecting the one and of exposing the other.

49. On the other hand, it seems to be generally admitted that the want of some cheap and speedy mode of administering justice in minor cases, which are not now cognizable by courts of requests, is seriously and universally felt; that it has, in fact, become a grievance for the relief of which some effort is positively required. Representations to that effect have been both frequent and urgent, not less on the part of the officers of Government than of the inhabitants themselves, particularly in the remoter districts.

50. Under such circumstances it appears to me that it would be well worth while to try by the test of experience whether jurisdiction in land cases (up to a moderate amount) could not be safely and satisfactorily given to courts of requests. The question is a practical one, and can, I imagine, only be determined by actual experiment. It amounts simply to this,—can or cannot the quarrels of the native inhabitants, in matters affecting real property, be settled satisfactorily to the parties concerned in minor cases by the simple and expeditious process of the courts of requests?

If this be answered in the affirmative, so far at least as to begin to test it by experiment, the next question which arises appears to me to be one of no little importance, namely, as to the extent of jurisdiction or the amount within which it should be limited, and the conditions by which it should be otherwise determined. I think it will not be difficult to establish by statistical facts that the extent of jurisdiction proposed to be given to these minor courts, in the Report, is by far too large; and that, as regards land cases, it would be practically impossible to concede it.

51. But I reserve for a moment the question of limitation of jurisdiction as applicable to courts of requests, in order that I may notice another recommendation of the Committee, with reference to district courts, which bears a good deal upon the general question. I think it the more necessary to comment upon it, because if adopted it would have the effect of introducing what is of all things most to be avoided, conflict of jurisdiction and confusion of authority. The proposal amounts to this, to confer, namely, upon district courts a discretionary power to determine cases summarily, without written pleadings and without the intervention of legal practitioners, whenever it shall appear to them (the district judges) most conducive to the ends of justice to do so.

52. Thus the effect of the adoption of the general proposals of the Report with regard to the powers and jurisdiction of the civil courts would be this: if courts of requests had jurisdiction up to 25 £. as suggested, the district courts could only commence their jurisdiction from 25 £. upwards, and thus it would seem to be left to the discretion of the judge whether he would deprive the parties in any given suit, however large the amount in question, of those indispensable aids, and that necessary professional advice the denial of which would, I fear, in many instances, prove tantamount to a denial of justice. I do not, however, think that such could have been by any means the intention of the Committee. I should rather imagine that it was suggested as an alternative only in the event of the proposed jurisdiction to be given to courts of requests being negatived. But even in that view of the case, there appear to be strong objections to the granting of any discretionary power whatever in such matters. I fear it would prove unsatisfactory, not less to the judge than to the parties before the court, and to the public at large. One result of it might be, that a privilege which was granted by one judge might be refused by another, and *vice versa*. Uniformity of practice, therefore, would cease, and I am unable to discover in what way the many admitted difficulties would be lessened. “The discretion of the judge,” said Lord Camden, “is the law of tyrants; it depends upon constitution, temper, and passion; it is oftentimes caprice, and it may be every folly and passion to which human nature is liable.”

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53. Hence it appears to me, that in every point of view it would be inexpedient to impose upon either a district judge or a commissioner of requests the responsibility of "discretion." The powers and jurisdiction of each should be well defined, and if so defined, there could be no objection, I apprehend, to combine the powers of each court in some places (as is already the case) in the person of one individual.

54. With respect to the amount of jurisdiction to be given, I proceed to submit a few statistical details for your Lordship's consideration, which I think will establish the fact that the proposed amount of 25 *l.* is by far too great. In the first place, taking the three principal district courts of Galle, Kandy, and Jaffna (I exclude for the present that of Colombo), I find that out of 1,079 civil cases decided by the district court of Galle in the year 1848, not less than 719, or just two-thirds, were at or under 5 *l.* value; 129 were between 5 *l.* and 10 *l.*; and only 240 were above 10 *l.*

55. Of 836 cases instituted before the district court at Kandy in 1848, 129 were land cases; and of 1,011 instituted in 1849, 364 were land cases, and the value of the land about which the disputes arose was as follows;

	1848.	1849.
At or below 5 <i>l.</i> - -	66	102
5 <i>l.</i> to 10 <i>l.</i> - -	36	123
10 <i>l.</i> to 15 <i>l.</i> - -	13	78
Above 15 <i>l.</i> - -	14	61
Cases - - -	129	364

At Jaffna.

Jaffna.

Year.	Civil Cases.	Of which, Land.	Of these,			
			£.5 and under.	£. 5 to £. 10.	£. 10 to £. 15.	Above £. 15.
1847	972	170	71	44	8	47*
1848	641	239	94	74	12	58†

* Of the 47 above 15*l.*, 30 were above 25 *l.*† Of the 58 above 15 *l.*, 44 were above 25 *l.*

Thus it will be seen that even in three of the most important courts in the island, the value of the property in dispute in a large proportion of cases did not exceed even 5 *l.*

56. Again, if we take some of the courts at less important stations, the same facts are fully confirmed; but it is requisite to bear in mind that at distant out-stations, where there is no district court, or where ready access to it cannot conveniently be had, endless disputes arise affecting rights of property, which, owing to the poverty of the people, or distance and other causes, are never carried before any court at all, and which therefore remain for ever a source of vexation and mutual hatred to the inhabitants. Representations to this effect have been made by some of the police magistrates, who are also commissioners of courts of requests, and it is precisely at these minor out-stations that the greatest benefit would be derived from conferring upon the minor courts a limited jurisdiction in land cases.

57. At Chilaw, for instance, in the North-western Province, out of 96 land cases instituted before the district court in 1846 and 1847, there were at or under 5 *l.*, 37 cases.

Land Cases at Chilaw, 1846 and 1847.

At or below 5 <i>l.</i> - - -	37 cases.
From 5 <i>l.</i> to 10 <i>l.</i> - - -	28 „
Above 10 <i>l.</i> - - -	31 * „

96

58. At

* Of the 31 cases above 10 *l.*, 10 only were above 25 *l.*

CEYLON.

Manaar.
Kornegalle.

58. At Manaar, in the Northern Province, out of 18 land cases instituted in 1848, only 10 were above 5 *l*.

59. At Kornegalle, a district containing about 140,000 inhabitants, and which it is proposed to re-unite with the Central Province, out of 261 civil cases decided in 1849 (a smaller number than usual, owing to the prevalence of fever), not less than 239 were land cases, of which there were—

At or below 5 <i>l</i> .	-	-	-	-	162 cases.
From 5 <i>l</i> . to 10 <i>l</i> .	-	-	-	-	49 „
Above 10 <i>l</i> .	-	-	-	-	28 „
					239 „

Badulla.

60. At Badulla, on the other hand, although land cases are numerous, forming very near one-half of the cases tried before the district court, the amount in dispute in the majority of them exceeds 5 *l*., and not a few are of considerable amount.

61. In the Southern Province, the value in dispute in land cases is generally very small, owing to the minute subdivision of landed property, and the multitude of small claims. Suits of this kind are exceedingly frequent, and very troublesome as well as difficult to settle. Indeed, they demand for their adjustment on the part of the judge a vast degree of patient discernment, and a thorough knowledge of the local customs and habits of the people. It would follow, therefore, that great caution must be used in determining the amount of jurisdiction to be given in land cases to courts of requests in that province. The absence of title-deeds, the loss even of the old Dutch thombos which seem to have been purposely destroyed at the time of the cession of the maritime provinces, the endless complexities of the Roman Dutch law of inheritance, and the unavoidable necessity of depending upon oral evidence as to descent, inheritance, and possession, conspire to render the investigation of a great number of these cases a matter of the greatest anxiety and perplexity to a judge. Tenancy in common or undivided tenure, traditionary pedigrees, carried back for more than a century, and the further complication of planters' or improvers' rights, all these elements of difficulty abound in the vast majority of land cases in the Southern Province. The testimony of witnesses given with great precision in support of one side of the case is met by precisely contrary evidence furnished by an equal number of witnesses on the opposite side. In such a perplexity it will be obvious that the presence of legal practitioners must generally be indispensable to enable a judge to unravel the mystery.

Matura.

62. I find that out of 442 civil cases instituted before the district court of Matura in 1848, more than half, or 235, had reference to land; and out of that number not less than 218 arose out of disputed inheritance and possession. In the year just closed, 1849, out of 520 cases instituted (of which 269 related to land), there were 256 which arose out of disputed inheritance.

63. Similar observations also apply to the court of Tangalle in the same province, for I find that out of 356 cases instituted between 1846 and the end of 1848, 260, or more than two-thirds, related to land; and out of 395 cases transferred from Hambantotte to Tangalle, on the abolition of the court at the former place in 1845, not less than 290 were land cases.

Batticaloa.

64. On the other hand, in the Eastern Province, at Batticaloa and at Trincomalie, where the tenure of land is different, and a great part of the inhabitants are Moors, disputes about land are very much less frequent and less complicated. Thus, at Batticaloa, out of 252 cases instituted before the district court in 1848, only 39, or about one-sixth only, had reference to land.

65. I forbear from dwelling at greater length upon this part of the subject. The illustrations which I have above furnished, will, I think, suffice to support the view which I have taken, namely, that land disputes of small amount are the most fertile source of litigation in the existing courts, and that if jurisdiction be given in cases of that kind to courts of requests, it must be of limited amount.

66. After giving the subject much consideration, I am induced to recommend that jurisdiction should be given to courts of requests in land cases, not exceeding 5 *l*. in value, and that their jurisdiction in money cases should be raised to 10 *l*. But inasmuch as the effect of this arrangement would be to deprive

deprive the district courts of their jurisdiction in land cases, where the amount in dispute did not exceed 5*l.*, and it might create great hardship if parties were prevented absolutely from having their small cases tried by the district courts, simply because the amount was inconsiderable, although the question of "right" might involve considerations of great magnitude, I would propose, that whenever both the parties to a suit should agree among themselves that the case should be tried before the district court, and should certify to that effect to the judge, although the amount did not exceed 5*l.*, it should be competent to the court to hear and determine all such cases.

67. In many places the same individual is both district judge and commissioner of requests, so that the simple effect of this arrangement would be, that with the concurrence of both parties, the case would be tried, with the assistance of professional practitioners, and higher stamp duties would be paid on the proceedings. Appeals would probably be rare in such cases, and in every point of view the arrangement would, I hope, prove satisfactory to the people.

68. And here I cannot pass over without remark an important modification in the present constitution of the superior courts, which is recommended in the Report, and from the propriety of which I see no reason to dissent. I allude to the abolition of "assessors," whose inutility for any judicial purpose is generally recognised. It is worthy of notice, that the institution of assessors was adopted by Mr. Cameron, with some modifications from the system he found prevailing in the Kandian provinces; while the institution of juries in criminal cases, first introduced into the maritime provinces, at the recommendation of Sir Alexander Johnstone, in 1810, was in its turn extended to the Kandian provinces, at the recommendation of Mr. Cameron, in 1833.

69. It may be more than doubted whether the presence of assessors in the courts has proved to be of any real advantage, either to the judge or to the public. The institution has scarcely realized the high expectations formed of it by Mr. Cameron, who looked forward to its becoming "an organ for the tranquil and effectual expression of public opinion upon judicial matters;" neither does it appear to have afforded what he called "the only check and the only stimulus which can be applied to a judge, placed in a situation remote from an European public." Theoretically, the presence of assessors promises many advantages, but practically, they have been found of little or no utility whatever, either to the judge or to the parties before the court, or to the public. To the assessors themselves, the attendance on court is often a very troublesome, inconvenient, and expensive duty, summoned as they frequently are from the very remotest part of the district; they seldom take any interest whatever in the case, and still more seldom venture to differ from the judge, who is, moreover, in case of any difference of opinion, not in the smallest degree bound by their sentiments. The only advantage which may have been thought to result from their presence, appears to be, that where local customs and usages are in question, it may be occasionally useful to the judge to have the benefit of their experience, and the opportunity of consulting their opinion; it is also thought that he may be disposed to take greater pains in developing the principal points in dispute, in setting forth the merits of a case, or in expounding the law in their presence than he might otherwise be disposed to do. But it seems to be generally agreed among the judges themselves, that the presence of assessors, such as are at present summoned to attend, is perfectly useless, if not even injurious; they have often been found so ignorant as to be unable to comprehend the most trifling point submitted to them, far less to offer any opinion upon the case. It has even happened that they have declared that they believed the evidence of the witnesses on both sides, who swore to precisely opposite facts. I agree, therefore, with the Report, that the retention of such an institution in the present state of society in Ceylon is positively useless, and that there are good grounds to recommend its abolition. In other respects, I scarcely think that a question of detail of this kind becomes a necessary part of an inquiry such as that now before me.

70. On looking to the more strictly economical object of the investigation, which would appear to be the primary one in reality, I cannot but think that the savings to be effected by the proposed reduction of the Supreme Court to a single judge, and the abolition of the circuits with their heavy attendant expenses, together with some diminution in the working machinery of other

CEYLON.

courts will form an important argument in their favour, and serve to recommend them in the first instance to your Lordship's consideration. The saving to be made in the department of the district courts and courts of requests is not so great as I was at first induced to expect; but I anticipate ample counterbalancing advantages from the additional facilities which will be afforded to the inhabitants in many parts of the island.

71. At present there is only one district court in Colombo, which costs about 2,500*l.* a year, while the expense of having two district courts as now proposed (one of which to be a sessions court) will be altogether about 4,250*l.* But there will be ample work for both these courts. The existing district court is already much over-burthened, and the new sessions court would have to assist the Supreme Appellate Court, besides hearing all the appeals from the minor courts in the most populous province in the island. The court of requests and the police courts of Colombo would also be retained as they are now.

The whole judicial establishments of the island would be as follows:—

	£.
4 Sessions courts, costing about - - - -	7,300
17 District courts (not sessions courts), costing about -	12,500
14 Police courts and courts of requests combined, costing about - - - -	15,590
1 Police court, distinct } together - - -	1,443
1 Court of requests, distinct, }	
TOTAL apparent Cost - - -	£. 25,833

72. Thus there would be altogether 37 courts for judicial purposes, at an expense on account of fixed establishments of about 26,000*l.* Of the 17 district courts, 15 would be combined with courts of requests and police courts; the remaining two only would be purely district courts. Of the 15 combined courts, eight would be presided over by the assistant agents of the respective districts, in whose hands therefore would be united the entire judicial and revenue and administrative functions. The Enclosure No. 2 will exhibit the above facts in a clear light. I have there given, in a tabular form, a correct view of the courts proposed to be maintained in each province, together with the population.

It is worth while to observe, that there exist at the present time a similar number of 35 courts (exclusive of the Supreme Court), the cost of which for fixed establishments was, in 1848, about 29,500*l.* Of these courts, 15 are district courts, of which 10 are combined with police courts and courts of requests, and five are purely district courts. In two places only are the combined courts administered at present by the assistant agent.

73. The advantages attending this latter arrangement appear to me to be very obvious, even irrespective of its economy. The combination of offices and concentration of responsibilities is no new practice in the administration of this island; it tends materially to enlarge the local experience of the agents and their assistants, to support their personal authority, and to extend the sphere of their usefulness both to the inhabitants and to the Government.

74. It remains for me to offer a few observations respecting the alterations which are suggested in the Report, with reference to the Queen's Advocate's department. The expenditure on account of this department for fixed establishments in the year 1848 was 4,311*l.* Besides the Queen's Advocate and the Deputy Queen's Advocate for the whole island, and their office establishment, there were also four other provincial deputies, one of them being resident at each of the towns of Colombo, Galle, Jaffna, and Kandy. I have recently taken occasion to leave the appointment of Deputy Queen's Advocate for Colombo vacant; and thus far I have already anticipated the suggestion of the Committee, that this appointment should not be any longer continued. But so much importance do I attach to the maintenance of the Queen's Advocate's department in a state of the highest efficiency, and so necessary is it in my opinion for the Government to have at all times at its disposal the services of two of the most able and experienced counsel as law officers of the Crown, well acquainted with the local usages, customs, and laws,

laws, and thoroughly versed in the practice and proceedings of the courts, that I am unable to concur in the propriety of the proposed reduction in the salary of the Deputy Queen's Advocate for the whole island from 1,200 *l.* to 500 *l.* per annum. Indeed, I fear it would be hopeless to expect to obtain the services of a talented and able lawyer for an office of so much labour and responsibility at the low rate of remuneration proposed. The two principal law officers of the Crown are already so fully and uninterruptedly occupied in transacting the business of Government, that little or no time remains at their disposal for private practice. The Queen's Advocate is a very important member of both Councils, and at some seasons a vast deal of his time and attention is necessarily absorbed in the discharge of the duties which are required of him in that capacity. He is responsible for the preparation of all the Ordinances which are laid before the Council, and the entire correspondence connected with them has to pass through his hands, and necessarily demands his most cautious consideration. Questions of the most complicated and difficult nature are constantly referred to him for his advice and assistance; and all these numerous and varied details have to be transacted by him irrespective of the public business pending before the courts. The abolition of the office of deputy to the Queen's Advocate for Colombo must necessarily impose much additional labour, and absorb a great deal more attention on the part of the second law officer of the Crown; and I should much regret to run the risk of seeing the efficiency of the department impaired as a consequence of any undue reduction in the emoluments of an officer upon whose ability and devotion to his public duties so much depends.

75. While I entirely concur in the propriety of retaining the provincial deputies to the Queen's Advocate at Galle, Kandy, and Jaffna, I scarcely think that the proposed increase to their salaries is absolutely necessary. I am sensible of the important nature of the duties which devolve upon them, and that it must be at all times advantageous for the agent of the province to have an accomplished lawyer to appeal to for advice on the spot; but in the present state of the public treasury, I am scarcely prepared to recommend any augmentation of the salaries of the provincial deputies.

76. Few further observations remain for me to offer upon that portion of the Report which relates to the judicial departments. I have touched, as briefly as the difficulties of the subject would permit, upon the various recommendations suggested by the Committee; and while I have no hesitation in expressing my general concurrence in the proposed modifications of the existing system, and my assent to the principles upon which they are founded, I have, at the same time, felt it my duty to state fairly and distinctly the objections which appear to me to be opposed to the adoption of some few of the recommendations. I am deeply sensible that a subject embracing topics of such magnitude, and involving considerations of so much nicety, requires to be approached in a spirit of the most patient and impartial inquiry, and demands for its elucidation great practical experience, aided by professional knowledge and the most scrutinizing discernment. I have sought to take a simple practical view of the whole question, avoiding the discussion of theories; and while I have maintained an adherence to the principles of the system already in operation, I have sought to extend the application of them further in some directions, and to limit the working machinery of them in others. Above all, it has been my aim to combine economy in the public expenditure with the extension of facilities to the native inhabitants for the settlement of their disputes and the lawful vindication of their just rights. Much might yet be said, elaborate arguments propounded and ingenious theories developed, by the adoption of which the most admirable efforts might be made to attain the same ends by other means, or by a somewhat different process. Recommendations of the most opposite kind have not been wanting; and they have been put forward with great ingenuity, supported by much ability and considerable local knowledge.

77. It will be scarcely expected of me that I should here dwell at length upon the many proposals which have from time to time been made for an improved administration of justice in Ceylon. From the period when Sir Charles Marshall presided over the Supreme Court, I may say from the very introduction of the Charter to the present time, reiterated suggestions have been offered by learned judges and experienced lawyers in this island, having in view the same object and tending to the same end. The voluminous cor-

CEYLON.

respondence which has been transmitted almost year after year to the Secretary of State upon this subject will amply attest the fact, and the papers which were forwarded with my despatch, No. 25, of the 15th January last, will furnish the most recent illustration of it. I have anxiously pondered over the principles and the tendency of all these numerous recommendations, and have arrived at the conclusion that the modifications in the existing system which I have suggested, in connexion with the Report of the Committee, will probably be found in practice the most consistent with the wants of the people, and I hope well calculated to ensure the efficient and satisfactory administration of justice in this colony.

78. The ample discussion which the whole subject will meet with in the Legislative Council, the light which must be brought to bear upon it during their deliberations, and the modifications which may be introduced into the details in the course of the preparation of the various enactments which will be necessary for reducing the system to a practical shape, will be an ample guarantee against the too hasty adoption of premature changes or the doubtful introduction of questionable experiments.

I look with anxiety for the advantage which I shall receive from the benefit of your Lordship's instructions and advice; and it will be the highest possible source of gratification to me hereafter should the ultimate result of the present inquiry lead, as I confidently anticipate that it will do, to a permanent and solid improvement in the administration of justice in Ceylon.

I have, &c.
(signed) *Torrington.*

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure No. 1.

Enclosure No. 1.

PRESENT JUDICIAL ESTABLISHMENTS.—1850.

TABLE exhibiting the Number of Courts, the Places at which there are District Courts or Courts of Requests and Police Courts, and also the Population of each Province.

PROVINCES.	District Courts, separate.	District Courts, combined with Requests and Police Courts.	Courts of Requests and Police Courts.	Population.	OBSERVATIONS.
WESTERN PROVINCE:					
Colombo - - - -	1	- -	-- Both separate.	460,000	Formerly a district court also. - ditto - ditto.
Caltura - - - -	-	1	- -		
Ratnapoora - - -	-	1	- -		
Negombo - - - -	-	-	1		
Kaigalle - - - -	-	-	1		
Avishavelle - - -	-	-	1		
SOUTHERN PROVINCE:					
Galle - - - -	1	-	1	266,000	Formerly a district court. - ditto - ditto.
Matura - - - -	1	-	1		
Tangalle - - - -	-	1	-		
Hambantotte - -	-	-	1		
Bentotte - - - -	-	-	1		
CENTRAL PROVINCE:					
Kandy - - - -	1	-	1	194,000	Formerly a district court. Formerly a district court.
Matelle - - - -	-	-	1		
Gampola - - - -	-	-	1		
Newera Ellia - -	-	-	1		
Badulla - - - -	-	1	-		
NORTHERN PROVINCE:					
Jaffna - - - -	1	-	1	314,000	Formerly a district court. - ditto - ditto. - ditto - ditto. - ditto - ditto. - ditto - ditto.
Manaar - - - -	-	1	-		
Point Pedro - -	-	-	1		
Chavagacherry -	-	-	1		
Cayts - - - -	-	-	1		
Mallagam - - -	-	-	1		
Mulletivoe - - -	-	-	1		
Anaradjapoora -	-	1	-		

TABLE exhibiting the Number of Courts—*continued*.

CEYLON.

PROVINCES.	District Courts, separate.	District Courts, combined with Requests and Police Courts.	Courts of Requests and Police Courts.	Population.	OBSERVATIONS.
NORTH WESTERN PROVINCE:					
Putlam - - - -	- - - -	- - - -	1	179,000	Formerly a district court.
Kornegalle - - -	- - - -	1 - - -	- - -		
Madawellette - -	- - - -	- - - -	1 - -		
Chilaw - - - -	- - - -	1 - - -	- - -		
Calpentyn - - -	- - - -	- - - -	1		
EASTERN PROVINCE:					
Trincomalie - - -	- - - -	1 - - -	- - -	60,000	
Batticaloa - - -	- - - -	1 - - -	- - -		
TOTAL - - -	5	10	22	- -	Total 37 courts.

Enclosure No. 2.

Enclosure No. 2.

PROPOSED JUDICIAL ESTABLISHMENTS.

TABLE showing the Courts (as proposed) for the Administration of Justice, together with the new distribution of Provinces, and the Population of each.

PROVINCES.	Sessions Courts, combined with District Courts.	District Courts only.	District Courts, combined with Requests and Police Courts.	Courts of Requests and Police Courts.	Population.	OBSERVATIONS.
WESTERN PROVINCE:						
Colombo - - -	1	1	- - -	- - One of each.	- - -	- - Separate police court and separate court of requests, as at present.
Caltura - - -	- - -	- - -	1	- - -	- - -	- - The whole to be done by assistant agent.
Ratnapoora - - -	- - -	- - -	1	- - -	- - -	
Negombo - - -	- - -	- - -	1	- - -	500,000	Assistant agent to do all.
Kaigalle - - -	- - -	- - -	1	- - -		
Avishavelle - - -	- - -	- - -	- - -	1	- - -	- Assistant agent to do all. District court restored.
Chilaw - - -	- - -	- - -	1	- - -	- - -	
Putlam - - -	- - -	- - -	1	- - -	- - -	
Calpentyn - - -	- - -	- - -	- - -	1	- - -	
SOUTHERN PROVINCE:						
Galle - - -	1	- - -	- - -	1	265,000	- Assistant agent to do the whole. Court restored.
Matura - - -	- - -	- - -	1	- - -		
Tangalle - - -	- - -	- - -	1	- - -		
Hambantotte - - -	- - -	- - -	1	- - -		
Bentotte - - -	- - -	- - -	- - -	1	- - -	
CENTRAL PROVINCE:						
Kandy - - -	1	- - -	- - -	1	332,000	- Assistant agent to do the whole.
Kornegalle - - -	- - -	1	- - -	1		
Badulla - - -	- - -	- - -	1	- - -		
Gampola - - -	- - -	- - -	- - -	1		
Newera Ellia - - -	- - -	- - -	- - -	1	- - -	- Assistant agent to do the whole.
Matelle - - -	- - -	- - -	- - -	1	- - -	- ditto - ditto.
Haborenne - - -	- - -	- - -	- - -	1	- - -	

CEYLON.

TABLE showing the Courts (as proposed) for the Administration of Justice—*continued*.

PROVINCES.	Sessions Courts, combined with District Courts.	District Courts only.	District Courts, combined with Requests and Police Courts.	Courts of Requests and Police Courts.	Population.	OBSERVATIONS.
NORTHERN PROVINCE:						
Jaffna - - -	1	- - -	- - -	1	255,600	
Point Pedro - -	- - -	- - -	- - -	1		
Chavagacherry - -	- - -	- - -	- - -	1		
Mallagam - - -	- - -	- - -	- - -	1		
Manaar - - -	- - -	- - -	1	- - -	- - -	- Assistant agent to do the whole.
Mulletivoe - - -	- - -	- - -	1	- - -	- - -	- Assistant agent to do the whole. District court restored.
EASTERN PROVINCE:						
Trincomalie - - -	- - -	- - -	1	- - -	119,000	
Batticaloa - - -	- - -	- - -	1	- - -		- Assistant agent to do the whole.
Anaradjapoora - -	- - -	- - -	1	- - -		- ditto ditto.
TOTAL - - -	4	2	15	16	—	

Note.—From the above it will be seen that of 37 courts for the administration of justice, 21 (including sessions courts) will be district courts, instead of 15, as at present.

Land cases not now cognizable by courts of requests, will become cognizable up to the value of 5*l.* by 16 courts of requests not united with district courts, and by 15 more courts of requests which will be so united, making in all 31 courts having jurisdiction in land cases up to 5*l.* by summary process.

Despatch from the Secretary of State.

CEYLON.

Despatch from the Secretary of State.

(28.)

COPY of a DESPATCH from Earl *Grey* to Governor Sir *G. Anderson*.

Sir,

Downing-street, 20 January 1851.

1. I HAVE had under my consideration the report of the Committee of the Executive Council of Ceylon on the fixed establishment of that island, transmitted in Viscount Torrington's despatch, No. 192, of the 14th December 1849, together with his Lordship's despatches, Nos. 25 and 52, of the 15th January and 11th March 1850, containing his remarks on the several questions embraced in the report; and I take this opportunity of expressing my obligation to your predecessor in the government of Ceylon, and to the gentlemen who formed the Committee, for the very valuable information with which they have furnished me on the public expenditure of the island.

2. The changes and reductions recommended by the Committee in several departments of the Colonial Government are so extensive, and the results which may follow from the adoption of them require so much deliberation, that I have come to the conclusion that it would not be convenient that I should at once enter into a detailed examination of the views of the Committee on the many and difficult questions which are raised in their report.

3. I feel that I shall better consult the interests of the colony by leaving each of these questions to be considered separately and distinctly by yourself and the Executive Council, and to be submitted to me in succession, with a recommendation of such practical measures as you may ultimately consider it advisable to adopt in each particular case. The report of the Committee and your predecessor's despatches will afford me very great assistance in considering these separate proposals, as they will enable me to understand the bearing of each on the general arrangements of the colony more clearly than I otherwise could.

4. But there are a few points in the report which I think it right to notice without delay.

1st. With respect to the Governor's position and salary, I am compelled to observe, that the views of the Committee appear to have been adopted on grounds which more careful examination would have shown to be erroneous, and that they are not stated in a manner suited to a document intended for publication.

There is no doubt that strong reasons might be urged for the opinion that certain advantages would result from its being adopted as the general policy of the empire to pay the salaries of colonial governors from the British Treasury; but unless this should be recognised as a general rule, there is no colony in which there is less ground than in Ceylon for any change in the existing arrangements.

5. The question, however, of the Governor's salary is of little importance compared with the erroneous views expressed by the Committee with respect to the relative position of the Governor and of the Colonial Secretary. The comparison made by the Committee of the position of the Governor as respects the Colonial Secretary with that of the sovereign of this country towards the ministers of the Crown, is altogether untenable.

6. A Governor in a colony where there is a representative legislature, as in Canada, is responsible to the Crown and to Parliament for the manner in which he performs the duties of his office, a circumstance which renders his position quite different from that of the sovereign of this country; but in a colony like Ceylon, where there are no representative institutions, the difference is still

more

more complete ; as the authority of the Governor is so much greater than in colonies having representative legislatures, he is also more directly responsible to the Queen and Parliament for the measures of his Government ; nor can that responsibility be transferred to any other public officer. I can conceive no change of system which would be more inexpedient than one which should transfer responsibility from the Governor to the Colonial Secretary. It is no doubt the duty of the latter officer to afford his best advice and assistance to the Governor, and also to carry into effect the measures which have been decided upon by the Governor ; but he is not and ought not to be considered responsible for the policy which is adopted by the Governor on his own judgment, and of which the Colonial Secretary is only the organ.

7. Another point on which I entirely disapprove of the report of the Committee is, that part of it which relates to military expenditure. I regret that the members of the Committee, knowing as they did the views of Her Majesty's Government on this subject, should have urged the remission of the annual payment which has so long been made from the colonial revenue into the military chest.

8. If the military expense incurred in the colony can be reduced with safety, I shall be very glad that this should be done, and I am engaged in inquiring how far it can be accomplished, but I can see no ground whatever for reducing the proportion of this charge which is now borne by the colony. On the adjoining continent of India, the whole of the military expenditure is provided for from the local revenue, and I have reason to believe that country to be subject to a much greater burthen of taxation than Ceylon, which is shown by the Committee in the very report which contains this recommendation to be by no means heavily burthened.

9. Although there are no other parts of the report from which I think it necessary at once to express my entire and unqualified dissent, I am by no means to be understood as meaning to imply that I concur in all the other views which are stated in it ; on the contrary, there are many of them which seem to be at least doubtful, and to require very careful examination before they are adopted. This observation particularly applies to the change recommended in the judicial system. I have no doubt that very extensive reforms are necessary in order to render the administration of justice more prompt and less costly to the parties than it is at present ; but it is a different question whether such very extensive powers as are proposed could safely be given to the district judges without some greater security against abuse than is suggested by the Committee.

I have, &c.
(signed) *Grey.*

A P P E N D I X.

EIGHTH REPORT of the CENTRAL SCHOOL COMMISSION for the Instruction of the Population of *Ceylon*, 1847-1848.

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The Central School Commission for the Instruction of the Population of *Ceylon*.
Date of Institution 27th March 1841.

PRESIDENT:

1. The Hon. Sir J. Emerson Tennent, K.C.S.

MEMBERS:

2. The Rev. A. Douglas Gordon - Church Missionary, Cotta.
3. The Rev. J. D. Palm - Colonial Chaplain of the Reformed Dutch Church.
4. The Rev. A. Renaud - Priest of the Roman Catholic Church.
5. P. E. Wodehouse, Esq. - Government Agent of the Western Province.
6. J. Smith, Esq. - Unofficial Member of the Legislative Council.
7. The Rev. D. J. Gogerly - Chairman of the Wesleyan Mission for South Ceylon.

ADDITIONAL MEMBERS:

8. W. C. Gibson, Esq. - Principal Assistant Colonial Secretary.
9. The Hon. C. J. McCarthy, Esq. Auditor General.

INSPECTOR OF SCHOOLS.—The Rev. J. Brooke H. Bailey.

SECRETARY.—John Fraser, Esq.

CLERK AND STOREKEEPER.—Mr. J. D. Van den Driessen.

REPORT.

THE Central School Commission held 15 general and five special meetings during the past year.

The Commission having in December 1847 come to a resolution that after the 1st of March 1848 all rules regarding chaplains' and ministers' schools should be revoked, and that such schools, if continued, should be subject in every respect to the same rules and regulations as other Government schools, His Excellency the Governor's sanction to this measure was conveyed to the Board early in January, and the arrangement was carried into effect.

In the course of the year the English schools at Hambantotte, at Barbaryn, at Mabolla, and at Kornegalle, were discontinued, as were likewise the girls' school at Morotto, the English department in the Galkisse Girls' School, the Marandahn New Girls' School, and the Imbulgodde Vernacular Girls' School. The Vernacular School at Kimbulwille was transferred to Hickodde, and that at Katunaika removed to Seedua. The English school at Manaar was re-opened, and vernacular schools were established at Kohilewatte, Matta-cooly, Milagria, and Corlawella.

A communication having been made by Government to the Commission in September, that the educational grant for next year would be on a reduced scale, it became necessary to institute a searching inquiry into the state of the schools, with a view to retrenchment. A committee was accordingly appointed for this purpose, and its recommendations, which have been

been adopted by the Board and approved by the Governor, will guide the Commission in the distribution of the funds entrusted to them for the service of 1849. The Report of the committee will be found in the Appendix.

In the month of April 1848, Mr. James Smith was appointed a member of the School Commission in the room of Mr. Crabbe, gone to England; and in September, Mr. W. C. Gibson was appointed an additional member in the room of Mr. Wodehouse.

APPENDIX.

REPORT of the Committee appointed for the Revision of Schools on the Establishment of the Central School Commission.

1.—THE committee of the Central School Commission, on whom has devolved the task of making the inquiries necessitated by the letter of the Honourable the Colonial Secretary of the 20th September last, have now the honour to submit to the Commission the result of those inquiries, in the shape of a definite plan for the future organization and classification of all the schools in the island, on a reduced scale of expense; and, as they hope, on a footing of greater efficiency.

2.—In making these inquiries and collecting the materials for this new scheme, your committee have been happy to avail themselves of the assistance kindly proffered of several gentlemen, whose antecedent or whose present positions, gave peculiar value to their opinion and advice; and have to tender their especial thanks to the Rev. Messrs. Brooke Bailey, Boake, Dias, Glenie, Kessen and McVicar; to Mr. Lee, late Secretary to the Commission; and to Mr. Whiting, the government agent for the Eastern Province; whose evidence before the committee has been of signal use, as presenting a mass of facts and opinions, stamped with high authority and resulting from long experience.

3.—The main point which has occupied the attention of your committee, has been the consideration of the important principle laid down by the Colonial Secretary in his letter above referred to—the principle, namely, of self-support, as contra-distinguished from the hitherto prevailing system of government-support to schools. “Satisfied,” says the Honourable gentleman, “that the mass of the population whose children now resort to or are hereafter likely to frequent the public schools, are possessed of sufficient means to contribute something towards the expense of their instruction, the Governor and Council are disposed to adopt the resolution, that henceforth the interference and contribution of the Government ought to be confined to assisting education, and not to providing it exclusively as heretofore; and, practically, that the extent of aid from the public treasury should be limited to a sum per head, paid to the schoolmaster for the education of such pupil, leaving to the parents to contribute a further sum in such proportion as may be agreed on.”

4.—On the abstract justice and correctness of the principle here laid down, there is a remarkable unanimity of opinion, as well on the part of the individual members of the committee as on that of all the gentlemen who have communicated to it the result of their observations and experience. “The pauper system,” says the Rev. Mr. Glenie, “hitherto prevalent in the educational institutions of Ceylon, has been the bane of the cause of education, and has produced a mass of abuses and jobberies almost beyond belief.” “I think it cannot be too soon announced by authority,” says the Rev. Dr. McVicar, “that it would be but fair and friendly in parents to share the burden with Government in the education of their own children.” And, without swelling the limits of this report, by reproducing similar expressions of opinion, it may be confidently stated once for all, that on this important principle all are agreed.

5.—But, if the practical application of any truth, whether political or moral, were as safe and easy as even the most laborious induction whereby it is arrived at and demonstrated, the sciences of ethics and of politics, would be, though not changed in their essence, yet widely different in their results from what the touchstone, experience, proves them to have been and to be. And, while fully agreeing with the Colonial Secretary in the principle laid down by him on the part of the Government, your committee are so deeply impressed with a sense of the many disturbing causes which in this island would interfere with the direct application, as to recommend for adoption in practice a system essentially differing in its details from that which it appears the Governor and Council were originally disposed to adopt.

6.—It would hardly be becoming on the part of this committee, and it would certainly be superfluous, to enter into any discussion of the question, whether the education of the people is or is not a branch of the positive duties of a government. It is quite clear that taking the question on much lower ground, it is at all events the interest of a government, whatever be its duty, to educate those whom it governs. Every shilling laid out in furtherance of such an end, may well be expected to bring back interest a hundred-fold. And, in an Eastern population above all, in whom a knowledge of the rights as well as of the duties of humanity, is so deficient and so vague, and over whom, consequently, the machinery of government must be so much more minute and complex than in countries where half the work of administration is done by the people themselves, it is clear that every help towards self-knowledge and

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self-control must be of incalculable importance, as lessening the labour of government by qualifying the people to require less of its interference.

7.—On the other hand, the danger is not to be overlooked, which might result from a too general and too ostensible intervention of government in the great work of popular instruction and education. Men are not apt to value any blessings that are given to them quite gratuitously. As regards physical advantages, this principle is pre-supposed by the very definition of value :*—“When it is said that an article or product is possessed of value, it is meant that individuals are disposed to give some quantity of human labour or some quantity of an article or product obtainable only by means of that labour, in exchange for it.” And experience tells us that this principle which is demonstrably true of physical, is equally predicable of intellectual advantages and good.

8.—Now the true end and aim of all education is not merely to impart a bare knowledge of facts, but also to train the mind for a proper use and appreciation of them. And to be used and appreciated, they must first be properly valued.

9.—Moved by these considerations, your committee have carefully inquired how far, in the opinion of those best qualified to judge, this principle of self-support might be introduced into the educational establishments of Ceylon.

10.—The most effectual, as well as the most natural method, of carrying out this principle, would doubtless be the organization of local and municipal bodies for the assessment of village-rates, town-rates, &c. to be levied and apportioned by the same local authority, according to the resources, the wants, and the circumstances of each district so assessed. And the old institution of the *Gam Sabha*, or local councils, might seem to offer some dormant but still vital elements, out of which to educe some such organization. On this subject your committee may be permitted to refer to a valuable and excellent minute of the late Colonial Secretary, Mr. Anstruther, dated 2d August 1841, and which will be found printed in the Appendix to the Report of the Central School Commission for that year.

11.—Your Committee, however, though strongly inclined in favour of any system which should impose on the people of this island the exercise of individual responsibilities and individual rights, are yet reluctantly compelled to arrive at the conclusion, that the introduction of such a scheme as this, would be at least premature for the present.

12.—At the same time your committee, in expressing the opinion just enunciated, would wish most carefully to guard against the assumption that they are unfavourable to the principle of self-assessment, or even to its eventual introduction into this island.

13.—Without trespassing on purely political ground, or entering upon questions of general administration and government, your committee may perhaps be allowed to express their apprehension that the population of Ceylon is not ripe for such an exercise of self government and self-taxation as this scheme would involve.

14.—In the course of their inquiries on this subject, your committee have not failed to inquire into the details of the educational establishments in other colonies subject to the Crown of Great Britain, and in the pursuance of these inquiries they have been much struck by a measure introduced in the early part of this year into the Legislative Council of Van Diemen's Land. They cannot better state its nature and tendency than in the very words of the Lieutenant-governor of that colony, in his address to its legislature of the 9th of March last.

15.—“The essence of the system,” says Governor Denison, “is in its application to particular localities, and its power of adaptation to the particular wants of those localities; and the question to determine was, in what manner the necessary funds could best be raised. If, acting upon the principle of the poor-rate in England, a levy should be made upon the property in the district, the effect would be to throw the whole charge for education upon the shoulders of a few holders of property, a proceeding manifestly unfair; for while I allow that they have a very great interest in the question, yet there is not, at all events, the same moral obligation imposed upon them as there is upon the parents, who ought therefore to bear a fair proportion of the expense. The assessment also for this purpose would have been very unequal. In some districts, there might be a much larger population than in others, causing a much greater outlay for schools: and this would have to be met by a heavier assessment, the average of each district being the same; while the value of the property would not necessarily be increased by the amount of the population upon it.

“It was decided, then, after much consideration, that each individual should be called upon to pay a certain sum annually; in fact, to impose a capitation tax; and 5s. was fixed upon as the amount which would cover all the expenses of the schools, placing the schoolmasters in the position which they ought to occupy, looking to the great responsibility imposed upon them.

“I am aware that great objections exist to the peculiar form in which this levy is proposed to be made. All the objections to a poll-tax will be raked up and made to bear upon the case. But are these objections reasonable? and do they at all apply to the circumstances under which it is proposed to make use of such a means for raising the necessary funds?

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* M'Culloch's Notes to “Wealth of Nations,” Note 2.

The tax is not imposed for general purposes; it is not for the benefit of the Government. The money raised by it is to be applied to purposes purely local; and the appropriation of it is left entirely in the hands of those who pay it.

"One great advantage which it offers is this, that, as every man will pay it for himself and his children, it will act as an inducement to him to send his children to school; and this in a country where the benefits of education are by no means appreciated as they ought to be by those classes to whom it is most desirable they should be extended, is of paramount importance.

"Another advantage is in the fairness with which such a tax bears upon the community. Every man pays, as nearly as can be, in proportion to the benefit which he derives from the application of the money thus raised. The single man pays for himself: the father of a family, for himself and his children, the master of a family, for himself, his children, and servants."*

16.—Your committee have been induced to quote at length this striking and able paper, because, in their opinion, it contains the whole gist and essence of this matter of self-assessment for education. Here, as in Van Diemen's Land, we have a population amongst whom the benefits of education are by no means appreciated as they ought to be by those classes to whom it is most desirable they should be extended; here, too, we have to cast about for the best means of defraying the cost of such benefits. But here we have not, as in Van Diemen's Land, a population of European blood and manners, capable at once of an intelligent submission to the burden of such direct self-assessment, and of a participation in the machinery by which its proceeds would be administered and applied.

17.—Your committee, therefore, impressed as they are with a sense of the importance of the principle laid down by the Colonial Secretary, and hopeful as they may be of such progress among the native population as will enable it at some future time to be thoroughly carried out in practice, are for the present disposed to recommend, in lieu of any direct charge on the people for educational purposes, only an indirect assessment by a complete remodelling of the existing system of fees, and the conversion of them from an almost nominal payment into a fixed and proportionate one, according to the nature and extent of the instruction communicated in each class of schools.

18.—For this purpose they propose to classify the whole educational establishments of the island in the following manner.

The first class will consist of the Colombo academy. In regulating the scale of educational establishments, your committee have placed this institution apart and alone. The kind of instruction therein imparted is indeed such that your committee have not been without hesitation as to the propriety, under present circumstances, of continuing it at all at the public expense. They conceive that the parents of children by whom such a class of education would be required, and to whom it would be useful, would, in most cases, be able to defray its cost. It was, therefore, originally proposed to fix the scale of fees in the academy at such a rate as would, if paid by the present average number of pupils, about cover the whole expenses of that institution. But, unwilling as your committee are to proceed otherwise than most cautiously in their plans of retrenchment and reform, they have finally decided on recommending a fee of 12*l.* per annum, or 1*l.* per month, to be paid in advance by every pupil of the academy. The establishment, they think, should consist of one principal at the present rate of salary, and one second master, with a salary of 300*l.* per annum. The success or failure of this plan, as manifested in the permanence or in the diminution of the present number of scholars, will furnish the elements of a future decision as to the more thorough introduction of the principle on which it is based.

Another institution which does not fall naturally into any of the classes into which it is proposed to arrange the educational establishments of the island, is the Native Normal Institution for the training of teachers for vernacular schools. For the present, this seminary may be retained on the existing footing, owing to the existence of a contract between the scholars and the Government under the conditions of which they are to be maintained during pupilage, and provided with schools on the completion of their instruction. But so soon as the present classes so under contract shall have completed their term of instruction, it will be for the Government to decide on the propriety of retaining or discontinuing the Native Normal Institution, or of introducing changes into its constitution.

Your committee propose that the second class should be termed Central Schools. Of these they should desire to see one established in the chief town of each province; but being sensible that the time has not yet come when any, except rudimentary instruction, could be successfully extended, it appears sufficient for the present to include in this section the two central schools already in operation in Colombo and in Kandy. The establishment of each might consist of a head master and an assistant, with the same salaries as they now enjoy. Your committee are of opinion that it would be well to discontinue the expense of maintaining normal students in connexion with central schools; and they consider, further, that a fee should be exacted in every case at the rate of 2*l.* 2*s.* per annum, or 3*s.* 6*d.* a month, payable in advance.

The next division your committee would designate elementary schools, in all of which instruction should, they think, be imparted through the exclusive medium of the English tongue. In this class they conceive that the salary of the head masters might, according to

personal

* Hobart Town Gazette, Vol. xxxiii, No. 1606, Tuesday, March 14, 1848.

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personal qualifications or local advantages, range from 48 *l.* to 84 *l.* per annum, and that when the attendance of pupils in any school exceeds 60, an assistant-master should be appointed with a salary of not less than 24 *l.*, and not more than 42 *l.* per annum. The school fees they would fix at 18 *s.* a year, or 1 *s.* 6 *d.* monthly, to be paid by each boy in advance.

In this division your committee would include the Model School, which they recommend should be separated from the academy, and called St. Sebastian's School; they would likewise include St. Peter's School, St. Thomas's School, the Dutch Consistorial School, the Grandpass School; and they recommend the establishment of one elementary school at Galle, one at Caltura, one at Matura, one at Negombo, one at Trincomalie, and one at Kandy.

With a view to carry out these arrangements more completely, your committee are of opinion that all boys' schools, now borne on your establishment at Galle and at Trincomalie, should be abolished.

An important distinction characterizes the schools which your committee have next to advert to. These they would constitute your fourth class, and denominate Mixed Schools. In them, as their name indicates, education in the English and vernacular languages, is proposed to be combined. Here, too, as in the preceding section, the salary of the head masters might be regulated by the extent of their attainments, and by local considerations; but it appears to your committee that 24 *l.* and 48 *l.* per annum ought to form the minimum and maximum limits. When the attendance of pupils in a mixed school exceeds 40 boys, the services of an assistant master, with a salary of from 12 *l.* to 18 *l.* per annum, would be called for. And when the attendance exceeds 90 children, a second assistant, on the same rate of salary, would be required.

Your committee recommend that the fees payable by the pupils in mixed schools should be at the rate of 6 *s.* per annum, or 6 *d.* a month. They further recommend that a mixed school be established at Mattacooly, the salary of the teacher to be—

	£. 42 per annum.						
at Colpetty	-	-	-	-	-	-	48 do.
Galkisse	-	-	-	-	-	-	48 do.
Morotto	-	-	-	-	-	-	48 do.
Pantura	-	-	-	-	-	-	48 do.
Wadua	-	-	-	-	-	-	42 do.
Ratnapoora	-	-	-	-	-	-	36 do.
Bentotte	-	-	-	-	-	-	36 do.
Belligam	-	-	-	-	-	-	36 do.
Trincomalie	-	-	-	-	-	-	48 do.
Galle	-	-	-	-	-	-	48 do.
Manaar	-	-	-	-	-	-	36 do.
Mulletivoe	-	-	-	-	-	-	24 do.
Calpentyu	-	-	-	-	-	-	36 do.
Chilaw	-	-	-	-	-	-	36 do.
Putlam	-	-	-	-	-	-	36 do.
Kurnegalle	-	-	-	-	-	-	48 do.
Gampola	-	-	-	-	-	-	48 do.
Nuwera-Ellia	-	-	-	-	-	-	48 do.
Badulla	-	-	-	-	-	-	48 do.
Kaigalle	-	-	-	-	-	-	36 do.
Kandy	-	-	-	-	-	-	48 do.

Into the fifth (and the last class of this series) your committee would throw all purely vernacular schools. They recommend that the head masters in this class should receive salaries ranging from 12 *l.* to 18 *l.* per annum; that an assistant, with a salary of 9 *l.* per annum, should be assigned when the average attendance of pupils exceeds 40; and that a second assistant on the same scale of salary should be nominated if the attendance of pupils exceeds 90. They further recommend that fees at the rate of 3 *s.* per annum, or 3 *d.* monthly, in advance, should be exacted from each pupil attending any vernacular school.

Your committee recommend the establishment of a vernacular school at Payagalla, the salary of the teacher to be

	£. 18 per annum.						
at Barbaryn	-	-	-	-	-	-	18 do.
Hangwelle	-	-	-	-	-	-	18 do.
Mahare	-	-	-	-	-	-	18 do.
Wellewatte	-	-	-	-	-	-	18 do.
Sedua	-	-	-	-	-	-	18 do.
Dehewille	-	-	-	-	-	-	18 do.
Kalubowille	-	-	-	-	-	-	18 do.
Wattella	-	-	-	-	-	-	18 do.
Corlewelle	-	-	-	-	-	-	18 do.
Digbedde	-	-	-	-	-	-	18 do.
Bandaragam	-	-	-	-	-	-	18 do.
Mattacooly	-	-	-	-	-	-	18 do.
Millegria	-	-	-	-	-	-	18 do.
Kohilawatte	-	-	-	-	-	-	18 do.
Hickodde	-	-	-	-	-	-	18 do.

Your

Your committee propose that the female schools should be regarded as forming a distinct series. They recommend that the first class should consist of the Dutch Consistorial Girls' School (to remain on its present footing), and of the female seminary. In respect to the latter, they suggest that the salary of the principal teacher should be 200 *l.* per annum; of the second mistress 48 *l.* per annum; and of the third 18 *l.* per annum.

They are further of opinion that the fees in both schools may be fixed at the rate of 18 *s.* per annum, or 1 *s.* 6 *d.* a month.

It appears to your committee that the girls' school at Mattacooly, Marandahn, Slave Island, Colpetty, Panture, Dalupotte, Galle, Trincomalie, Jaffna (Mr. Arndt 24 *l.*), should constitute the second class of female schools. They recommend that the salaries of the teachers should remain as at present, and that there should be no school fees.

The vernacular girls' schools would form the third and last section of this series. Your committee are of opinion that the salaries of the teachers should be fixed at 12 *l.* per annum, and that the exacting of fees would not be expedient.

They propose that the following vernacular girls' schools should stand in this class:—Nagalgam, Wellewatte (Chunam village), Galkisse No. 1, Do. No. 2, Calany, Dehewille, Kalubowille, Wellewatte.

Your committee recommend that no future schools should be established unless the buildings and furniture are provided by the people; but they are of opinion that it will be desirable to issue stationery gratuitously as hitherto.

As regards education, and the pecuniary aid towards its maintenance in the northern province, that portion of the island is peculiarly situated, Jaffna and its dependencies having been so extensively and so successfully occupied by the establishments of the American, the Church of England, and the Wesleyan missions, as to leave little room for purely Government schools. Under these circumstances, an annual grant has for some years been confided to the ministers of these missions for the extension of education; and the result has been in every way so satisfactory that the committee are not prepared to recommend to the Commission or the Government any alteration in the existing arrangement.

In respect to existing schools not included in the foregoing enumeration, your committee recommend that they should be no longer borne on your establishment.

Your committee would further recommend that the officers of the Commission be instructed to prepare without delay, and enforce the adoption, of a distinct and definite plan of education adapted to each class of schools, so that in each class the limits be fixed and settled, and the course of studies be kept quite separate and distinct from one another; your committee consider this recommendation as one of paramount importance, in order to prevent one class of schools from clashing or interfering with another, and thus hindering the development of the general system.

By the introduction of the system of classification, and the enforcement of this payment of moderate and graduated fees, your committee indulge a confident hope that the principle of self-support may immediately be introduced, at least to a certain extent, and without any sudden shock to the habits, the manners, or even the prejudices of the population. They are at all events disposed to think, that whether the system proposed by them be the best or not, it is at least the only safe and practicable one. And, having submitted it to the Commission, they might here close their remarks; but that there are some matters connected with the administration of the schools, which, though not immediately referred to in the letter of the Colonial Secretary, from which their inquiries originated, are yet, in their opinion, of most essential importance to the success of this or any other system of education, and may therefore find a fitting place in this Report.

1. It has been a subject of earnest inquiry, not always resulting in complete unanimity of decision on the part of your committee itself, how far the education and instruction to be imparted in Government schools should be of a European or of a native character; and, especially as regards the medium of instruction, how far the English language should be exclusively, or at least mainly employed. On this point great difference of opinion appears to prevail amongst those even apparently most qualified to judge; and while it is contended by some that, to do any good at all, or communicate any instruction worth acquiring or retaining, we must not only impart quite new knowledge to the native mind, but also impart it through a new medium; others, on the contrary, maintain that an education of this kind, imparted by means of English books, and in the English language, would at least be but a feeble and sickly exotic, incapable of taking root in the native soil, much less of bringing forth any fruit. Without entering into this question abstractedly, or pronouncing any opinion as to the theoretic merits of either scheme of education, your committee, desirous, on this as on all other points, of following the safe road of practical utility, have adopted, as will be seen, a middle course. Fully agreeing with the advocates of English education as to the paramount importance of a complete renovation of the native mind, of a letting in of new light, they are yet of opinion that the time is not yet come when that light can be admitted through a new medium. They fear, on the contrary, that if it were prematurely attempted, the result would be, not light but darkness, or at least so faint a *penumbra* as would do but little to dissipate error and diffuse truth. They have therefore made the English language the principal, but not the sole, vehicle of instruction. They consider it necessary to keep up the present system of vernacular schools, but in such subordination and distribution as shall make them essentially subsidiary to the English schools. They hope by this means to lead up the native mind from the less to the greater, from the lower to the highest; and, instead of wasting the resources at the command of the Commission on what they fear would be, after all, an unsuccessful attempt to convert Ceylon at once into a little

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England, they would rather, in the self-imposed task of enlightenment and reformation, imitate the renovating process of nature herself, silent, gradual, effective, working by common means, transforming, not revolutionizing, in her operation :

For nature, always loud when she destroys,
Is silent when she fashions.

2. Another point of not less importance, but in which happily no difference of opinion prevails, is the necessity of an effectual superintendence over schools, so as to ensure the proper application of the funds allotted for their support. Your committee would strongly advise, with reference to this point, the adoption by Government of the practice in force in the territories of the East India Company, by which all Government servants are obliged to execute the functions of superintendents of schools as part of their official duties.

3. Connected with this question of superintendence, and of not inferior importance, is the question of the appointment of schoolmasters. Your committee cannot too strongly recommend the greatest care in the selection and appointment of these masters, on whose personal efficiency so much of the success of every educational establishment depends; and as the salaries of masters are continued on a liberal scale, it is hoped that, by the exercise of an impartial discernment on the part of the Government, a truly efficient class of teachers may be secured.

In conclusion, your committee have only to remark further, that they are well aware that the scheme of educational organization now proposed by them for your adoption is, in its very nature, transitional and temporary. They have sought to embody and express in it, not what is abstractedly best in itself, but what is best under given circumstances; and they desire to enunciate with equal emphasis and equal conviction their opinions—

1st, That the adoption of the system of payment by fees is the one best calculated at present to work efficiently and equitably towards the attainment of the principle of self-support; and 2d, That the said principle should, whenever circumstances permit, be carried out in a more complete manner, and by the imposition of a direct assessment.

C. J. McCarthy, Chairman.

Adopted by the Central School Commission on 10th January 1849.

J. Fraser, Secretary, School Commission.

Rev. A. Douglas Gordon's Report of the Result of the Competition for the Turnour Prize, held in the Council Room on the 3d August 1848, and the Resolution of the Central School Commission relative thereto.

I HAVE the honour to communicate to the Commission the result of the examination of the candidates for the Turnour Prize, held Thursday, August 3d.

The examination was conducted entirely by written papers, as this mode appeared to me more satisfactory than by *vivá voce* questions in whole or in part; for on such occasions a candidate often appears to great disadvantage in consequence of physical weakness, and that too very frequently connected with superior educational attainments.

The entire extent of subjects stated in the programme could scarcely have been done justice to in one day's examination. The Commission, however, will accept as my apology for confining the examination to a single sitting, the pressure of other duties at Cotta.

A copy of the questions, together with the written answers, accompanies the Report.

As the programme drawn up for the present examination appears to have anticipated a very elementary acquaintance with Latin, I have attached a high proportionate value to the piece of Latin translation from Cicero.

There was a very fair amount of answers written by all the candidates; the last of them, however, appeared but superficially prepared in all the subjects except Latin: in this he was not far inferior to the first.

The order in which the names rank is as follows:—

1. John Siebel	-	-	-	-	-	770 marks.
2. William Vandort	-	-	-	-	-	516 "
3. Alfred de Livera	-	-	-	-	-	407 "
4. W. Anthopulle	-	-	-	-	-	339 "

As the number of candidates is so small, I would submit, the prize of 10*l.*, instead of being divided into three parts, as was proposed, had not better be confined in such proportion as the Commission shall think fit, to John Siebel and W. Vandort.

Cotta, 7 August 1848.

A. Douglas Gordon.

Resolved,—That the prize be divided in the proportions of five, three, and two, between John Siebel, W. Vandort, and Alfred de Livera.

Resolved,—That the bi-monthly meetings be discontinued, and that henceforward the members of the Commission are to assemble for general business on the first Wednesday of each month.

5 July 1848.

CIRCULAR.

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SOME misapprehension being found to exist as to the right of individual members of sub-committees to visit Government schools, the Central School Commission wish it to be generally understood that the power of inspecting and calling for information relative to such schools can only be exercised by individual members on whom it shall have been devolved by a distinct vote of the local sub-committee; and it is earnestly hoped that on all occasions every disposition will be manifested to further the object of inquiries and inspection.

John Fraser, Sec. Sch. Comn.

School Commission Rooms, Colombo,
9 August 1848.

THE following Resolution, passed by a Special Meeting of the Central School Commission, held this day, is circulated for general information:—

The School Commission wishes it to be distinctly understood by all ministers of religion of whatever denomination, who are connected with it as members, or inspectors, or superintendents of schools, that their proceedings in connexion with this Board, and the function which they exercise under its authority, must be guided by the rules of the Commission, and that the entire responsibility and control of the acts done by them under those rules rests with the Commission.

John Fraser, Sec. Sch. Comn.

School Commission Rooms, Colombo,
25 October 1848.

ABSTRACT of the Expenditure for Education during the Year 1847.

Charges Sanctioned by Her Majesty's Government :										£.	s.	d.
Established Salaries	-	-	-	-	-	-	-	-	-	4,240	17	4
Charges Sanctioned by the Legislative Council :												
Contingent Salaries	-	-	-	-	-	-	-	-	-	4,718	17	3½
Incidental Charges :												
Grant for the extension of Education in the Northern Province	-	-								500	-	-
Rent of School-houses, &c.	-	-	-	-	-	-	-	-	-	722	18	-
Cost of Books and Furniture, &c.	-	-	-	-	-	-	-	-	-	351	14	6½
Miscellaneous Charges, including Travelling Expenses to Inspector of Schools, &c.	-	-	-	-	-	-	-	-	-	427	9	2½
										10,961	16	4½
Deduct School Fees received	-	-	-	-	-	-	-	-	-	547	14	6½
										10,414	1	9½
Arrears of former Years :												
Salaries sanctioned by Her Majesty's Government	-	-	£.24	3	-							
Contingent Salaries sanctioned by the Legislative Council	-		47	16	8							
Incidental Charges sanctioned by the Legislative Council	-		382	4	¾					454	3	8¾
TOTAL	-	£.	10,868	5	6½							

RETURN of GOVERNMENT SCHOOLS and SCHOOLS aided by GOVERNMENT throughout Ceylon.

SCHOOLS.	TEACHERS.	Annual Salary.	Annual Rent.	Total Expense of each School.
		£. s. d.	£. s. d.	£. s. d.
WESTERN PROVINCE.				
The Colombo Academy	Principal, The Rev. B. Boake	520	-	1,916
	Mathematical Teacher, E. C. Caldwell, Esq.	310	-	-
	Classical ditto, F. Gortsz, Esq.	210	-	-
	Three Normal Students attached to ditto	30	-	-
The Model School of ditto	Head Master, S. Lister, Esq.	310	-	-
	Second ditto, Mr. A. de Saram	98	-	-
	Third ditto, Mr. J. Anthonisz	68	-	-
	Fourth ditto, Mr. Goodchild	60	-	-
School of Drawing and Design of ditto	Master of Drawing & Design, A. Nicholl, Esq.	310	-	-
The Central School and the Native Normal Institution.	Principal of the Central School and Native Normal Institution, Rev. A. Kessen	450	-	860
	Head Master of the Central School, Mr. E. G. Hoffman	78	-	-
	Assistant ditto ditto, Juan Silva	18	-	-
	Head ditto of the Native Normal Institution, Mr. John Pereira	68	-	-
	Assistant ditto, ditto, Jasin Silva	18	-	-
	Ditto, ditto, ditto, Siman Silva	18	-	-
	Copyist, A. de Silva	24	-	-
	Twenty-two Students attached to do. at 6l. each	132	-	-
St. Peter's Boys' School	English Teacher, Mr. G. Gratiaen	68	-	88
	Assistant ditto, Mr. H. Vrets	20	-	-
St. Paul's Girls' School	English ditto, Miss H. Kats	60	-	144
	Needlework Mistress, Mrs. A. H. W. Vandendriesen	36	-	-
Female Seminary	English Teacher, Miss Douglas (on leave) half-pay, 100l.	200	-	284
	Acting ditto, Miss C. Campbell, ditto, 100l.	-	-	-
	Assistant ditto, Mrs. J. Lindsay	48	-	-
	Ditto, Miss C. Herley	12	-	-
Pettah Tamil & English School	English ditto, J. C. Ponanpallam	15	-	15
Dutch Consistorial Boys' School	First ditto, Mr. J. W. Spaar	100	-	217
	Second ditto, Mr. R. Elders	54	-	-
	Third ditto, Mr. Verhoeven	15	-	-
Ditto, Girls' ditto	English ditto, Mrs. Palm	200	-	290
	Needlework Mistress, Mrs. Grice	24	-	-
	Three Assistant Teachers, at 12l. each	36	-	-
St. Thomas' Boys' School	First Teacher, Mr. J. R. Blake	100	-	214
	Second ditto, Mr. D. S. Perera	36	-	-
	Third ditto, Mr. Ondatje	30	-	-
Ditto, Girls' ditto	English ditto, Miss M. Wootler	36	13	61
	Needlework Mistress, De Costa Werappa	12	-	-
Grandpass Boys' School	First Teacher, Mr. J. G. Andriessen	100	-	175
	Second ditto, Mr. E. Ludekens	36	-	-
	Infant ditto, Mr. De Zilva	12	-	-
Cottanchina Boys' School	Teacher, Mr. P. T. Walker	36	-	36
Marandahn Boys' School	English Teacher, Harmanis Peris	9	4	22
	Tamil ditto, Abraham Maleappa	9	-	-
Ditto, Girls' ditto	Mistress, C. Mary Ann	18	9	39
	Assistant, Welhelmina Perera	12	-	-
Slave Island Boys' School	Teacher, Charles Alwis	18	12	55
	Ditto, Candappa	10	16	-
Ditto, Girls' ditto	Needlework Mistress, Mrs. Harridge	15	-	-
Mattacooly Boys' School	Teacher, Mr. C. D. Anthonisz	48	7	79
	Ditto, Carolis Pieris	12	-	-
Ditto, Girls' ditto	Needlework Mistress, Mrs. Anthonisz	12	-	-
Wellicadde Gual School	Singhalese Teacher, Don Louis	36	-	58
	Assistant ditto, A. Perera	10	16	-
	Tamil ditto, Asarawadepulle	12	-	-
Colpetty Boys' School	First ditto, Mr. H. Perera	54	18	84
	Second ditto, Mr. A. Botejo	12	-	-
Ditto, Girls' ditto	Teacher, Mr. P. B. Fernando	30	18	60
	Needlework Mistress, Mrs. Franciscus	12	-	-
Galkisse Boys' School	Teacher, Mr. M. Perera	100	14	132
	Singhalese ditto, Don Jeronimus appohamy	12	-	-
	Two Monitors at 3l. each	6	-	-
Morotto Boys' School	Teacher, Mr. J. Gurth	68	7	98
	Second ditto, Joseph de Peris	12	-	-
	Third ditto, J. Salgado	10	16	-

RETURN of Government Schools and Schools aided by Government throughout Ceylon—continued.

SCHOOLS.	TEACHERS.	Annual Salary.	Annual Rent.	Total Expense of each School.
		£. s. d.	£. s. d.	£. s. d.
WESTERN PROVINCE—cont^d.				
Pantura Boys' School - -	Teacher, Mr. W. Van Cuylenburg - -	60 - -	- - -	82 16 -
	Second ditto, C. Peris - - -	12 - -	- - -	- - -
	Third ditto, Gregoris de Silva - - -	10 16 -	- - -	- - -
Ditto, Girls' ditto - -	Mistress, Mrs. S. Van Cuylenburg - -	18 - -	6 - -	31 4 -
	Singhalese Teacher, Don Simeon - -	7 4 -	- - -	- - -
Wadua Boys' School - -	Teacher, Mr. A. Parys - - -	48 - -	- - -	68 16 -
	Assistant ditto, Don Geronis Gonetileke - -	10 16 -	- - -	- - -
Caltura Boys' School - -	Teacher, Mr. Thomas Rae - - -	84 - -	- - -	108 - -
	Assistant ditto, Mr. J. F. Lalman - -	24 - -	- - -	- - -
Ditto, Tamil ditto - -	Tamil ditto, Perangiskoe Sanaria - -	15 - -	- - -	15 - -
Ratnapoora Boys' School - -	Teacher, Mr. F. Labrooy - - -	36 - -	- - -	36 - -
Palanchina Boys' School - -	Ditto, Mr. G. Fernando - - -	48 - -	6 - -	54 - -
Delupotta Girls' School - -	Mistress, Miss G. M. Perera - - -	24 - -	- - -	24 - -
Negombo Boys' School - -	Teacher, Mr. F. B. Nicholas - - -	60 - -	24 - -	114 - -
	Assistant ditto, Mr. C. Misso - - -	30 - -	- - -	- - -
Ditto, Girls' ditto - -	Mistress, Miss A. M. Perera - - -	24 - -	6 - -	30 - -
SOUTHERN PROVINCE.				
Bentotte Boys' School - -	Teacher, Mr. A. De Silva - - -	48 - -	- - -	53 8 -
	Two Monitors, one at 3 l. and one at 2 l. 8 s. -	5 8 -	- - -	- - -
Wellitotte Boys' School - -	Teacher, Mr. D. D. Jayenette - - -	36 - -	4 10 -	54 6 -
	Assistant ditto, Don Harmanis Dias - -	10 16 -	- - -	- - -
Amblangodde Boys' School - -	Teacher, Mr. J. McKauley - - -	48 - -	- - -	48 - -
Galle Central & Normal Schools	Head Master, James Millar, Esq. - -	314 - -	90 - -	502 - -
	Assistant ditto, Mr. James Anthonisz - -	68 - -	- - -	- - -
	Three Normal Students attached to ditto - -	30 - -	- - -	- - -
Ditto, Boys' ditto - -	Teacher, Mr. W. Gibson - - -	48 - -	12 - -	96 - -
	Assistant ditto, Mr. J. E. Eaton - - -	36 - -	- - -	- - -
Ditto, Girls' ditto - -	Mistress, Mrs. Anthonisz - - -	36 - -	12 - -	84 - -
	Teacher, Mr. G. H. Anthonisz - - -	36 - -	- - -	- - -
Ditto, Government Boys' ditto	Ditto, Mr. J. Barton - - -	60 - -	30 - -	156 - -
	Assistant ditto, Mr. W. C. Baultjens - -	48 - -	- - -	- - -
	Ditto, Mr. Andries Wijeyesekere - -	18 - -	- - -	- - -
Dodandowe Boys' School - -	Teacher, Mr. A. P. Merando - - -	36 - -	- - -	36 - -
Belligam Boys' School - -	Ditto, Mr. J. E. Jansz - - -	54 - -	7 4 -	61 4 -
Matura Boys' School - -	Ditto, Mr. C. B. Boguars - - -	68 - -	- - -	92 - -
	Assistant ditto, Mr. J. H. Ernst - - -	24 - -	- - -	- - -
Ditto, Girls' ditto - -	Mistress, Mrs. E. Ondatjie - - -	150 - -	12 - -	186 - -
	Assistant ditto, Mrs. Ernst - - -	24 - -	- - -	- - -
Tangalle Boys' School - -	Teacher, Mr. B. B. Runesingha - - -	48 - -	6 - -	54 - -
EASTERN PROVINCE.				
Batticaloa School - -	Teacher, - - -	- - -	- - -	- - -
Naveteodah Tamil School - -	Ditto, Daniel Cannaweddy - - -	9 - -	- - -	9 - -
Callady ditto - -	Ditto, Christian Cadirpulle - - -	9 - -	- - -	9 - -
Valley Erravol ditto - -	Ditto, James Caterapulle - - -	9 - -	- - -	9 - -
Amordegalla Boys' School - -	Ditto, Mr. G. Stephens - - -	18 - -	- - -	18 - -
Government School (Girls') - -	Ditto, Mrs. Williams - - -	36 - -	4 10 -	40 10 -
St. Stephen's Parochial Boys' School.	Ditto, Mr. F. Matheisz - - -	48 - -	9 - -	87 - -
	Assistant ditto, Mr. John Hunter - -	24 - -	- - -	- - -
	Monitor, Mr. A. Muarteenz - - -	6 - -	- - -	- - -
Ditto, Girls' school - -	Teacher, Mrs. Hunter - - -	30 - -	9 - -	45 - -
	Monitor, Miss E. Hunter - - -	6 - -	- - -	- - -
English and Tamil Experi- } mental Girls' School - -	Teacher, Mrs. A. Mattheysz - - -	24 - -	- - -	24 - -
Cuteherry Road School - -	Ditto, Benjamin Tappin - - -	18 - -	- - -	39 - -
	Second ditto, Augustine Anthony - -	12 - -	- - -	- - -
	Third ditto, V. Vinuvanden - - -	9 - -	- - -	- - -
Kandy Road School - -	Teacher, Samuel Judson - - -	18 - -	- - -	27 - -
	Second ditto, C. Vallypuram - - -	9 - -	- - -	- - -
Ministers' Boys' School - -	Teacher, Mr. J. Williams - - -	60 - -	- - -	96 - -
	Assistant ditto, Mr. J. Edwards - - -	36 - -	- - -	- - -
Kandy Road Parrenteroe School	Teacher, Mr. H. C. Martensz - - -	12 - -	- - -	24 - -
	Assistant ditto, Mr. S. Winewell - - -	12 - -	- - -	- - -
CENTRAL PROVINCE.				
Kandy Central and Normal Schools.	Head Master, John Murdoch, Esq. - -	360 - -	- - -	468 - -
	Assistant ditto, Mr. R. Jansz - - -	58 - -	- - -	- - -
	Four Normal Students attached to ditto - -	40 - -	- - -	- - -
Government Boys' School at } Gampola - -	Teacher, Mr. C. Biddle - - -	72 - -	- - -	72 - -
Nuwea Ellia Boys' School - -	Ditto Mr. Wijesingha - - -	48 - -	12 - -	60 - -
Badulla Boys' School - -	Ditto, G. Pels - - -	58 - -	- - -	58 - -

(continued)

RETURN of Government Schools and Schools aided by Government throughout *Ceylon*—continued.

SCHOOLS.	TEACHERS.	Annual Salary.	Annual Rent.	Total Expense of each School.				
		£. s. d.	£. s. d.	£. s. d.				
NORTH-WESTERN PROVINCE.								
Calpentyn Boys' School	Teacher, Mr. J. Vinton	36 - -	- - -	50 10 -				
Chilaw ditto	Tamil ditto, Adam Caderewel	14 10 -	- - -	- - -				
Putlam ditto	English ditto, Mr. J. Avery	36 - -	9 - -	45 - -				
	Ditto, Mr. J. Codman	36 - -	9 - -	45 - -				
NORTHERN PROVINCE.								
Mulletivo Boys' School	Teacher, Mr. H. Richards	24 - -	- - -	24 - -				
Manar ditto	Ditto, Mr. Davidson	40 - -	- - -	40 - -				
Jaffna Girls' ditto	Ditto,	24 - -	- - -	24 - -				
Chundicooly Boys' School	The Church Mission, on a grant of	150 - -						
Colombogam ditto								
Kokoville ditto								
Nadutarro ditto								
Nellore ditto								
Pettah Girls' ditto								
Chavacherry Boys' School								
Karadivoe ditto	The American Mission, on a grant of	200 - -						
Kaits ditto								
Mallagam ditto								
Naroaly ditto								
North Araly ditto								
Pungertivo ditto								
Santillepay ditto								
Tillipally ditto								
Valverty ditto								
Ditto, Bazar ditto								
Batticotta Girls' School	The Wesleyan Mission, on a grant of	150 - -						
Chavagacherry ditto								
Manepy ditto								
Nawaly ditto								
Pandeteripoe ditto								
Tallepally ditto								
Valverty ditto								
Cattavally Boys' School								
Jaffna ditto								
Point Pedro ditto								
Puttoor ditto	VERNACULAR SCHOOLS.							
Avarugeul Tamil School								
Pettah Girls' ditto								
Ditto, Tamil ditto								
Wannarponna ditto	WESTERN PROVINCE.							
Puttoor Tamil School								
Payagalla Boys' School					Teacher, Don Christian	18 - -	- - -	18 - -
Barbaryn ditto					Ditto, Don Anthony de Alwis	18 - -	- - -	18 - -
Hangwelle ditto					Ditto, D. J. Ameresakera	18 - -	- - -	18 - -
Nagalgani Girls' School					Ditto, Matcho Fernando	12 - -	- - -	12 - -
Wellewatte Chunam Village School	Ditto, Dona Welmina	12 - -	- - -	12 - -				
Galkisse Girls' School, No. 1	Ditto, Dona Bastina	12 - -	5 8 -	17 8 -				
Ditto ditto „ 2	Ditto, Carlina de Silva	12 - -	- - -	12 - -				
Battakatra ditto	Ditto, Christina	12 - -	- - -	12 - -				
Mahara Boys' School	Ditto, Don Jeronemus	18 - -	- - -	18 - -				
Calany Girls' ditto	Ditto, Francina Silva	12 - -	- - -	12 - -				
Wattele Boys' ditto	Ditto, Alexander Rodrigo	18 - -	- - -	18 - -				
Sedua ditto	Ditto, Paul Silva	18 - -	- - -	18 - -				
Dehewelle ditto	Ditto, Benjamin Stark	18 - -	- - -	18 - -				
Ditto, Girls' ditto	Ditto, Dona Carlotta Carlina	9 - -	- - -	9 - -				
Kalubowille Boys' School	Ditto, Carolis Dias	18 - -	- - -	18 - -				
Ditto, Girls' ditto	Ditto, Louisa Gomes	12 - -	- - -	12 - -				
Wellawatte Boys' School	Ditto, Paul Fernando	18 - -	- - -	18 - -				
Ditto, Girls' ditto	Ditto, Dominga Pieris	12 - -	- - -	12 - -				
Coralewelle Boys' School	Ditto, Don Joseph	18 - -	- - -	18 - -				
Digbedde ditto	Ditto, Hendrick Perera	18 - -	- - -	18 - -				
Bandaragame ditto	Ditto, Don Alexander	18 - -	- - -	18 - -				
Mattacooly ditto	Ditto, Arnolis Swaris	18 - -	- - -	18 - -				
Millagria ditto	Ditto, Don Joseph	18 - -	- - -	18 - -				
Kohillewatte ditto	Ditto, Constantin Perera	18 - -	- - -	18 - -				
SOUTHERN PROVINCE.								
Hickodde School	Teacher,	18 - -	- - -	18 - -				

LIST OF SUB-COMMITTEES AND SUPERINTENDENTS.

SCHOOLS.	By whom Superintended.	SUB-COMMITTEE.
WESTERN PROVINCE.		
The Colombo Academy and the Model School of ditto	The Central School Commission	On Normal Students and Candidates for Schools.
The Drawing School attached to ditto		The Rev. J. D. Palm, D. J. Gogerly, The Inspector and Secretary.
The Native Normal Institution		
The Central School of Colombo		
St. Paul's Girls' School	Rev. J. P. Horsford.	On the Native Normal Institution.
St. Peter's Boys' School	Rev. D. J. Gogerly, J. G. Macvicar, D.D.	The Hon. Sir J. Emerson Tennent, W. C. Gibson, Esq., The Rev. D. J. Gogerly, The Inspector and Secretary.
The Female Seminary		
Dutch Consistorial Boys' School	Rev. J. D. Palm.	
Ditto Girls' do.		
Pettah Tamil and English do.	Mr. C. Davesagam.	
St. Thomas Boys' School	The Hon. H. C. Selby, Esq.	
Ditto Girls' do.		
Grand Pass Boys' do.	J. Armitage, Esq.	
Mattacooly Boys' do.	W. C. Gibson, Esq.	
Ditto Girls' do.		
Marandahn Boys' do.	Lady Oliphant.	
Ditto Girls' do.	W. C. Gibson, Esq.	
Slave Island Boys' do.		
Ditto Girls' do.	Rev. A. D. Gordon.	
Wellicadde Gaol do.	Mr. S. David.	
Cottanchina Boys' do.	Rev. D. J. Gogerly.	
Colpetty Boys' do.		
Ditto Girls' do.	Rev. Dr. Macvicar.	
Galkisse Boys' do.		
Morotto Boys' do.	Sub-Committee of Negombo.	
Negombo Boys' do.		
Ditto Girls' do.		
Delupotte Girls' do.	Rev. D. J. Gogerly.	
Palanchina Boys' do.		
Pantura Boys' do.	Sub-Committee of Caltura.	
Ditto Girls' do.		
Wadua Boys' do.		
Caltura Boys' do.		
Ditto Tamil do.		
Ratnapoora Boys' do.		
SOUTHERN PROVINCE.		
Bentotte Boys' School	W. H. Clarke, Esq.	
Wellitotte Boys' do.		
Amblangodde Boys' School	James Millar, Esq.	
Dodandowe Boys' do.		
Galle Central and Normal School	The Sub-Committee of Galle.	
Ditto Government Boys' do.	Rev. Dr. Garstin.	
Ditto Boys' School	Rev. W. Bridgnell.	
Ditto Girls' do.		
Belligam Boys' School	Sub-Committee of Matura.	
Matura Boys' do.		
Do. Girls' do.	J. D. Robertson, Esq.	
Tangalle Boys' do.		
EASTERN PROVINCE.		
Batticaloa School	Sub-Committee of Trincomalie.	
Naveteadah Tamil School		
Cellady Tamil do.	Rev. J. Walton.	
Valley Erravol Tamil School		
Amordegalla Boys' do.	Rev. E. Mooyaart.	
Government Girls' do.		
St. Stephen's Parochial Boys' School	Rev. J. Walton.	
Ditto do. Girls' do.		
English Tamil Experimental Girls' School		
Cutchery Road School	Rev. J. Walton.	
Kandy Road do.		
Ministers' Boys' School		
Kandy Road Perrenterra School		
OF NEGOMBO.		
J. Barton, Esq., J. Sansoni, Esq., and Mendis Modliar.		
OF CALTURA.		
Rev. D. J. Gogerly, W. H. Clarke, Esq., Rev. M. Dickson, and L. Leishang, Esq.		
OF GALLE.		
G. H. Cripps, Esq., T. H. Twynam, Esq., Rev. J. K. Clarke, C. P. Layard, Esq., A. Grace, Esq., E. J. Wood, Esq., Major Kelson, J. N. Mooyaart, Esq., R. Frances, Esq., and Rev. W. Bridgnell.		
OF MATURA.		
F. de Livera, Esq., Rev. S. D. J. On-daatie, and W. G. Forbes, Esq.		
OF TRINCOMALIE.		
W. H. Whiting, Esq., E. H. Burrows, Esq., Rev. J. Walton, G. R. Mercer, Esq., and Rev. E. Mooyaart.		
OF KANDY.		
C. R. Buller, Esq., J. J. Staples, Esq., J. Morpew, Esq., Rev. J. Smith, and J. Parsons, Esq.		

REPORT OF THE COMMITTEE OF EXECUTIVE COUNCIL

List of Sub-Committees and Superintendents—*continued.*

SCHOOLS.	By whom Superintended.	SUB-COMMITTEE.
CENTRAL PROVINCE.		
Kandy Central and Normal Schools - -	Sub-Committee of Kandy.	OF BADULLA. James Layard, Esq., K. Mackenzie, Esq.
Gampolla Boys' School - - - -	J. Emerson, Esq., C. H. de Saram, Esq.	
Nuwera Ellia do. - - - -	Rev. J. Thurston.	
Badulla - do. - - - -	Sub-Committee of Badulla.	
NORTH WESTERN PROVINCE.		
Culpentyn Boys' School - - - -	Rev. M. Nicholas.	OF PUTLAM. J. Caulfield, Esq., A. O. Brodie, Esq., V. Wing, Esq., Rev. M. Nicholas, and Simon Casie Chetty, Esq.
Chilaw do. - - - -	Simon Casie Chetty, Esq.	
Putlam do. - - - -	J. Caulfield, Esq.	
NORTHERN PROVINCE.		
Jaffna Church Mission - - - -	The respective Missionaries.	OF JAFFNA. P. A. Dyke, Esq., Rev. P. Percival, Rev. J. T. Johnston, and Rev. H. R. Hoisington.
Ditto Wesleyan do. - - - -		
Ditto American do. - - - -		
Jaffna Girls' School - - - -	The Rev. J. C. Arndt.	
Mullettoe Boys' School - - - -	Sub-Committee of Jaffna.	
Manaar do. - - - -		

VERNACULAR SCHOOLS.	By whom Superintended.
WESTERN PROVINCE.	
Payagalla Boys' School - - - -	Rev. Mr. Dickson.
Barbaryn ditto - - - -	L. Leishing, Esq.
Hangwelle ditto - - - -	S. D. Livera Modliar.
Nagalgam Girls' School - - - -	Rev. Mr. Poulier.
Wellewatte (Chunam Village) Girls' School.	Rev. D. J. Gogerly.
Galkisse Girls' School - - - -	Rev. J. G. Macvicar, D.D.
Ditto ditto - - - -	Rev. D. J. Gogerly.
Battakatra ditto - - - -	Rev. P. De Zilva.
Mahara Boys' School - - - -	
Calany Girls' ditto - - - -	
Wattella Boys' ditto - - - -	The Bishop of Usula.
Katunaika ditto - - - -	Rev. W. Bartholomeusz.
Dehewille Boys' School - - - -	Rev. C. Wijesinha.
Ditto Girls' ditto - - - -	
Kalubowille ditto - - - -	Rev. D. D. Silva.
Ditto Boys' ditto - - - -	
Wellewatte ditto - - - -	Ditto.
Ditto Girls' ditto - - - -	
Corlewelle Boys' School - - - -	Rev. S. W. Dias.
Digbedde ditto - - - -	Rev. Mr. Parys.
Bandaragame ditto - - - -	
Mattacooly ditto - - - -	The Bishop of Colombo.
Millegría ditto - - - -	The Hon. F. J. Templer, Esq.
Kohilewatte ditto - - - -	Mr. J. C. Wysekere, Catechist.
SOUTHERN PROVINCE.	
Hickodde Boys' School - - - -	The Sub-Committee of Galle.

LIST of Books, &c., for Sale at the Stores of the Central School Commission.

	£.	s.	d.
First Book of Lessons - - - - -	-	-	2 each.
Second ditto - - - - -	-	-	8 "
Third ditto - - - - -	-	1	2 "
Fourth ditto - - - - -	-	1	4 "
Fifth ditto - - - - -	-	1	8 "
Reading for Girls - - - - -	-	1	8 "
Key to Grammar - - - - -	-	-	8 "
Ditto, Arithmetic - - - - -	-	-	8 "
Art of Reading - - - - -	-	1	7 "
Book-keeping - - - - -	-	-	10 "
Key to ditto - - - - -	-	1	- "
Walker's Pronouncing Dictionary - - - - -	-	7	6 "
Reid's Dictionary - - - - -	-	6	6 "
Johnson's ditto, School - - - - -	-	1	3 "
Mylius' ditto, ditto - - - - -	-	1	6 "
Tamil and English Dictionary - - - - -	-	12	- "
English and Singhalese Dictionary - - - - -	-	4	- "
History of the British Empire - - - - -	-	2	6 "
History of Greece - - - - -	-	3	- "
Tytler's History - - - - -	-	5	4 "
Ditto, large Edition - - - - -	-	14	- "
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